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Five

REPORTS

OF THE

SELECT COMMITTEE OF FIVE,

ON THE FOLLOWING SUBJECTS:

1. FURTHER PROVISION FOR THE COLLECTION OF DUTIES ON IMPORTS.
2. ALLEGED HOSTILE ORGANIZATION AGAINST THE GOVERNMENT WITHIN THE DISTRICT OF COLUMBIA.
3. NAVAL FORCE OF THE UNITED STATES—WHERE STATIONED, &c.
4. RELATIVE TO THE CORRESPONDENCE BETWEEN THE PRESIDENT AND THE COMMISSIONERS ON THE PART OF THE STATE OF SOUTH CAROLINA.
5. SEIZURE OF FORTS, ARSENALS, REVENUE CUTTERS, AND OTHER PROPERTY OF THE UNITED STATES.

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1861.

IN THE HOUSE OF REPRESENTATIVE
March 2,

Resolved, That ten thousand extra copies of the several reports and evidence su by the Select Committee of Five be printed and bound in one volume for the us members of the House.

Attest:

JOHN W. FORNEY,

FURTHER PROVISION FOR COLLECTION OF DUTIES ON IMPORTS.

[To accompany Bill H. R. No. 969.]

JANUARY 30, 1861.

Mr. J. COCHRANE, from the select committee of five on the special message of the President, made the following

REPORT.

The special committee, to whom was referred the message of the President of the United States, communicated to Congress January 9, 1861, *having carefully considered the matters embraced in that paper, do now respectfully submit the accompanying bill in reference to that part thereof relating to the collection of the revenues of the United States; and Mr. John Cochrane, in reporting the bill from the committee, accompanies the same, by authority of the committee, with a statement of his views in relation thereto, as follows:*

While fully concurring with the President in the opinion that no State possesses, under and by virtue of the federal Constitution, any right or authority to secede or withdraw, or seperate itself from the federal Union, I am equally convinced that, not having been prohibited, the justification of the exercise of such right is referable to the nature and extent of those rights reserved to the States or the people thereof. Therefore, all the acts and ordinances of secession which have been or may be enacted by any State or States, acting separately, in my opinion, are, in as far as the same may be carried into effect, to be considered as revolutionary infractions of the supreme law of the land, however they may be regarded as the proper exercise of an indefeasible right of "resisting acts which are plainly unconstitutional and too oppressive to be endured."

I also concur with the President that the federal Constitution has abstained from conferring upon the federal government, or any department thereof, authority to declare and wage oppressive war against a seceding State, in order to coerce the repeal of any act or ordinance of secession which she may have passed, or the renunciation of any purpose of secession which she may entertain, or to compel her to remain nominally, as well as in fact, a member of the federal Union. On the contrary, the plenary power of offensive war and reprisals conferred by the Constitution upon Congress is, in my judgment, designed exclusively to authorize and empower such war by the federal govern-

ment in its discretion against such governments and communities as may be rightfully considered foreign to the Untied States.

States which profess to have seceded from the federal Union by their separate State action cannot, in my opinion, be rightfully so considered, and, therefore, a just conception of the constitutional authority of Congress combines with other and, if possible, higher and more commanding motives to prescribe other measures than aggressive and coercive war to remedy the grave inconveniences, perils and evils, of such secession.

It is, on the other hand, entirely manifest that the federal government throughout the whole extent of its constitutional jurisdiction, both territorial and maritime, is vested with powers which it cannot surrender, and charged with trusts and duties which it must perform. It holds valuable property in every part of the territory over which its jurisdiction has been, by the solemn mandate of the people of all the States, extended; and it holds every article of this property as the common trustee of all the people of all the States for their common use and benefit, and to them and to all of them it is directly responsible for the safe-keeping and protection of such property. By constitutional legislation, supreme in its character and irrepealable except by the authority which created it, the federal government has established a system of revenue laws which it is bound to maintain, and against all obstructions to the execution of which it is equally bound adequately to provide. No extra constitutional action of any State can possibly release the federal government in any of its departments from this imperative obligation.

It is to this aspect of the duty of Congress in the unfortunate and unexampled state of facts presented for its consideration by the President in his late message, that the attention of the committee has been specially directed, and they report herewith a bill designed, as is believed, peaceably, and in a spirit of moderation and forbearance fully to protect the entire revenue system of the United States from all the unconstitutional and unlawful obstructions and disturbances with which it is now or may be hereafter threatened.

In framing this measure there has been kept steadily in view, *first*, the obstacles of every character which oppose any attempt by the federal government to coerce a State; and, *secondly*, the principle upon which, as is conceived, the whole coercive action of our revenue system has, from its inception, been founded.

The just and rightful coercion exercised under the Constitution by the federal government in the collection of its revenue from foreign commerce is a coercion not directed against State authority, nor even against unlawful action by assemblages of persons within any State. That coercion, on the contrary, applies itself directly to the bulk and body of the foreign importations upon which the revenue is chargeable, and to the vessels and the agents by which they are brought into our ports opened to such commerce only under the protection and by the regulation of the federal law.

The well-understood and just assumption upon which all this foreign commerce proceeds is, that the federal government provides for it ports of entry and delivery in which it may be entered and delivered, and

in which the lawful duties chargeable upon it shall be collected and paid to the federal government, whose laws have, for that very consideration, established, and protected, and regulated such entry and delivery. The failure to observe those regulations is, by our whole code of revenue law, visited in penalties upon the agents by whom the merchandise is transported, the vessels in which it is carried, and finally in the form of seizure and forfeiture upon the merchandise itself. All this is a coercion of law upon foreign commerce, and not a coercion of force upon any State to which it may be bound. No State can rightfully expect that the United States shall permit foreign commerce to be carried on in ports and places open to it only under their authority, without compliance with the constitutional conditions under which those ports or places have been thus opened. It is in this view that the bill proposes that vessels from a foreign port, bound to a port within the scope of its provisions, shall, with its foreign cargo, be liable to seizure and condemnation, and, in the same view of apply- its restrictions only to foreign commerce on which revenue is by law collected, all vessels lawfully engaged in the coastwise trade are exempted from the operation of its purely remedial and defensive provisions.

MINORITY REPORT.

Mr. BRANCH, a member of the select committee of five, to whom was referred the President's message of the 3d of January, not concurring with the majority of the committee, by leave submits to the House the following views in relation to the bill to be entitled "An act further to provide for the collection of duties on imports."

The first section of the bill provides that, whenever, by reason of any unlawful combination or other obstruction, it shall become impracticable to collect the revenue at any port of entry, it shall be the duty of the President to make proclamation of the fact.

The second section provides that, if any vessel not engaged in the coastwise trade shall thereafter attempt to enter such port, it shall be seized by the revenue officers, "and the master or other person having the charge or command of such ship or vessel shall forfeit, for every such neglect, refusal, [to exhibit his manifest,] or offence, the sum of five hundred dollars, in addition to the sum of five hundred dollars imposed by section twenty-six of the act of March 2, 1799; and such ship or vessel, together with her tackle, furniture, apparel, and cargo, shall be subject to seizure and forfeiture."

The third section imposes the same penalties and forfeitures on master and owner of any vessel which shall depart to a foreign port or place without delivering a manifest and obtaining a clearance from the customs officer.

The fourth section authorizes the taking of such vessel into any port of entry in the United States, and confers on the circuit or district court of the district in which such port of entry is situated "the same power and jurisdiction over said ship or vessel, tackle, furniture, apparel, or cargo, as if the same had been seized within the collection district into which the said ship or vessel, tackle, furniture, apparel, or cargo shall be so taken."

The fifth section authorizes the President to use the vessels of the navy in aid of revenue cutters in executing this law.

The sixth section gives to the Secretary of the Treasury the same power to mitigate or remit penalties as he has in reference to others of a similar character under existing laws.

The seventh section provides that, whenever the President shall issue his proclamation declaring that the obstruction in any port has ceased, then this act to be inoperative as to that port.

It is apparent, on the most cursory reading of the bill, that the title does not correctly set forth its character and objects. The object, as declared in the title, is "to provide for the collection of duties on imports," and the means adopted in the body of the bill is preventing any goods from being imported which, by law, are subject to pay duties. There is so obvious an incompatibility between the proposed ends and the chosen means, that we may well assign to the bill an intent not named in the title.

It is one of a system of measures by which it is intended to punish certain States for asserting and endeavoring to maintain their independence, and to coerce them into obedience to the federal authority

Its provisions are war—cruel war—upon the citizens of the seceding States, and must be so treated, especially in connexion with other measures constituting a complete system of coercion and conquest which it is proposed by the majority to enact.

Its means are to blockade their ports, and render unavailable to them even the limited facilities nature has given to those States for trade and intercourse with the rest of the world.

In modern times, and amongst Christian nations, it is an established maxim that a belligerent may inflict the largest amount of injury on the enemy nation, but must impose the least amount of distress on private individuals. It is a beneficient maxim, alike dictated by chivalry and by humanity. During the war of the revolution our forefathers were admitted to be rebels, and did not deny that their rebellion, if unsuccessful, would be treason. But private citizens engaged in peaceful avocations were not warred upon, even whilst their homesteads were in possession of British troops. So again in the war of 1812, large portions of our territory were invaded by the enemy's troops, but no attempt was made to ruin or distress private citizens. It is to be left to the government of the federal Union to war upon a portion of the States of the Union, and to subject them to its authority, by inflicting ruin and distress upon private citizens, whilst carefully placing itself out of reach of guns, sabres, and other usual and legitimate weapons of civilized warfare.

Other nations discriminate between friends and enemies, even in an enemy's country. We alone are to wage indiscriminate war upon friend and foe, dealing out to the most active promoter of secession, and to the most devoted friend of the Union, equal measures of our vengeance. Nor is this all. If South Carolina is rebellious, large portions of Tennessee and North Carolina, whose foreign supplies are derived through Charleston, must suffer equally with South Carolina; and if Louisiana refuses to submit to federal authority, the loyal States on the Upper Mississippi and its tributaries must pay the penalty when New Orleans is blockaded.

To the United States of America belongs the distinguished honor of having propounded to the nations of the world, as a new article in the international code, that private property on the high seas, not contraband of war, shall no longer be subject to capture. Shall it be reserved for what remains of that once glorious confederacy to inculcate by its example that war is to be confined to invading private property, and that nations are to be reduced by distressing individuals, and destroying private fortunes, whilst no attacks are made on the national organization?

Already we may see foreshadowed in the proposed measure some of the barbarities and monstrous horrors of civil war.

It is pertinent to inquire whether the proposed commercial arrangements will probably inflict such wide-spread ruin and such unbearable distress on the citizens of the offending States as to reduce them to subjection.

This depends on circumstances, about which we are not fully informed.

I. If it is true, as alleged by well-informed persons at the north, that the secession movement has been originated and pushed forward at the south by reckless adventurers who have no property and but little stake in society, it is evident that a war upon property and domestic comforts will not reach them, but will only add to the sufferings of those who, as is alleged, are already the victims of an excitement they cannot control, and are afraid to resist. On this theory the remedy will tend to aggravate the disease by increasing the disorders in society and completing the destruction of values by which reckless adventurers may profit.

II. The bill sedulously guards against exportations from the infected ports to foreign countries; and this is the feature on which most reliance is placed for distressing and subduing the seceding States. To render the blockade effectual, the revenue cutters are authorized to examine vessels and cargoes going out of those ports, and forfeitures are inflicted for violation of the law. This system of police may be practiced towards vessels under our own flag wherever they may be overhauled, but except within a marine league of our own shores, we cannot visit or search any vessel sailing under a foreign flag so as to ascertain whether she has on board contraband cargo, or is engaged in a contraband voyage. This is the doctrine as to the right of visit and search which we ourselves have insisted on and fought for, and caused to be incorporated into the law of nations, at least so far as we are concerned; and foreign nations will not fail to hold us to it when it will operate favorably to them. By employing vessels under foreign flags to carry their cotton, the citizens of the beleaguered States will avoid all the penalties of the law, unless the vessels should be overhauled within three miles of the shore. On the low, sandy coasts of the southern States the shallows extend so far out seaward that a belt of three miles affords very insecure cruising ground for even the smallest sea-going vessel; and favored by the vicissitudes of wind and weather, and with the advantage of being able to choose their time of sailing, few vessels would be overhauled and captured within that distance. The principal effect of the law might be to transfer the profits of carrying the cotton crop from American to British ship-owners.

This is not the sole embarrassment we may encouter. Nearly five millions of souls in the British Isles are directly and indirectly dependent on a regular and sufficient supply of raw cotton for the means of subsistence. Cut off this supply, and the British government must feed or fight much the larger portion of this five millions. It may reasonably be expected that it will connive at any evasion of the provisions of a law the enforcement of which would entail upon its subjects such serious evils, and her own cruisers would probably have orders to pass merchantmen laden with cotton, whilst the cruisers of other nations would have no right to go on board, and consequently no means of ascertaining whether they are provided with clearance papers or not.

But Great Britain might not be content to rely for a commodity so essential to her on the successful evasion of our laws by merchantmen,

and might insist that we abide by another great principle of international law to which this government is fully committed, namely: that a blockade to be respected must be maintained by an adequate force. If she should do so, we could not contend that a few revenue cutters, with an armament on each scarcely more formidable than a few rifles of approved construction, is a force adequate to blockade two thousand miles of sea-coast, and to deny to the world its supply of raw cotton.

Not the least noticeable feature of the policy which this bill is to inaugurate is, that whilst the commerce of one portion of the States is nursed and fostered in every possible mode of bounties and special favors, that of another portion is to be utterly annihilated. The right to raise a revenue by imposing duties on imports is made to yield rich protection to the industry of favored States, so that to them the commercial and revenue powers of the federal government are as genial showers, blessing them with wealth, prosperity, and happiness: the same powers to the other States are to be a poisonous sirocco, drying up the fountains from which they draw their subsistence, blasting their prosperity, and consuming the fruits of their toil. Northern legislatures may pass "personal liberty laws," nullifying the laws of Congress; northern governors may refuse, in palpable and acknowledged violation of the Constitution, "to deliver up on demand" fugitives from justice; and northern mobs may, with impunity, rescue fugitives from labor out of the hands of officers bearing the commission of the United States: in the midst of it all, every change in the revenue laws adds to the favors and bounties heaped upon the offending States. But let a southern State murmur discontent or raise an arm to resist, and forthwith the same revenue and commercial powers are found to be a whip of scorpions, with which they may be lashed into silent acquiescence and dutiful obedience.

Having commented on the injustice and impolicy of the proposed bill, it will now be considered with reference to its constitutional bearings.

Has Congress power to coerce a State, or, to state the question with more precision and more in the terms of the bill, has the Constitution conferred on Congress the right to carry on hostilities, either legislative or military, against a State, or all the people of a State, because obstructions and combinations, however formidable, prevent the execution of the laws in that State?

The question will be considered on the hypothesis most favorable to the existence of the right; that is to say, on the hypothesis that the State is still a member of the confederacy. If the State has been absolved from its federal obligations, and its citizens released from their obligations to obey its laws, by a "palpable, deliberate, and dangerous infraction" of the Constitution, the question, of course, does not admit of argument.

The undersigned has not heard any one contend that it is the right of the federal government to make war upon a State. Even in a case in which the Constitution, or Congress in pursuance of the Constitution, imposes a positive duty on a State, and the State neglects or refuses to perform it, no one pretends that Congress can march an army into the State or blockade its ports to enforce obedience, nor can

the same thing be done if a State does that which the Constitution expressly forbids.

If a State cannot be held to this responsibility for its own acts of disobedience, much less can it be held to it for the acts of disobedience of its individual citizens.

But it is contended by those who hold that the federal bond of union is indissoluble, and who do not admit that a State can, in any case, declare its citizens absolved from their obligation to obey, that the laws must be enforced, under all circumstances, and by whatever amount of force may be necessary, against each and every citizen. If an individual commits an infraction of a federal law, this class of persons would not allow him to escape on a plea that he is not bound to obey, but would proceed to try and punish him as though he had not claimed absolution. But before proceeding to punishment, they would give him the benefit of all the provisions of the Constitution, especially of those incorporated into it from *Magna Charta*, and constituting the boast and bulwark of Anglo-Saxon liberty.

In this theory of the Constitution and of the nature of the government the bill proposed by the committee can find no sanction. So far from being in execution of the laws of the Union, it abrogates those very laws the enforcement of which is its professed object. Instead of compelling individuals to pay duties on imports, it puts it out of the power of those who wish to pay duties to do so. By its enactment into a law large numbers of persons, including those who are willing to pay all the duties exacted by the government, will be subjected to direful calamities; their property will be wasted and their means of subsistence will be destroyed, not for any refusal on their part to obey the law, but because of a governmental policy adopted by their State, over which they had no control. Charged with no violation of law, they will be summarily punished for disobedience, without "public trial by an impartial jury," without "being informed of the nature and cause of the accusation," without "being confronted with the witnesses against them," without "having compulsory process for obtaining witnesses in their favor," and without "having the assistance of counsel for their defence."

By its operation millions of dollars of the property of peaceful and industrious citizens, against whom no charge is made, and to whom no opportunity will be afforded to show the alacrity with which they will obey all laws, will be stricken down and destroyed. And yet the Constitution guarantees to every citizen the right to trial by jury "where the value in controversy shall exceed twenty dollars."

Thus the blow, which can be legitimately aimed only at the guilty, falls with equal weight upon the innocent, and both guilty and innocent are punished without allowing to them the benefit of those safeguards which the Constitution secures even to the vilest malefactor. In the execution of the laws hostile force can only be used against those individuals who will not otherwise obey them. Nine hundred and ninety of a thousand citizens in a given community may willingly obey the law, and force can only be used against the one who disobeys; nor can he be punished otherwise than according to the law and the Constitution. So, if but one obeys, no force can be used against him;

if all disobey, all may be forced, not in the aggregate, but each to the discharge of his own individual obligation. They are not guarantors for each other, nor is the State a guarantor for the good conduct in this regard of all or any portion of its citizens.

It seems clear, then, that, under the power to provide means "to execute the laws of the Union," Congress cannot assume the right to wage hostilities against a State, or against all the people of a State in the aggregate.

Can it do so under the power "to suppress insurrection?"

Nothing would seem to be clearer, nor would any proposition receive more universal assent than that a State in its corporate or aggregate political capacity cannot be guilty of insurrection any more than it can be guilty of treason, felony, or riot. All or a portion of its citizens may be. Some of its citizens, in conjunction with some of the citizens of another State, may be in insurrection. In either such case the government may suppress it, not by assailing the State or States and all their citizens, for neither State lines nor State citizenship could be noticed, but by seizing and punishing the insurgents according to the law and the Constitution. If the object is to suppress the insurrection by dispersing the insurgents, it must be done by an attack on them, and not by a blind and ruthless assault upon all the people of the State or neighborhood, for no principle of law or of justice will permit the innocent and the guilty to be confounded.

The latter remedy cannot be used even against individuals except whilst they are *in flagrante delicto*, and for the purpose of dispersing. Punishments can only be inflicted after civil process issued, and after due prosecution according to law. To adopt the summary process against a State on pretence that it is in insurrection against a law which has been repealed, would be absurd, and might be treated as a nullity if it did not involve civil war in its train.

In as far, then, as the bill is an attempt to coerce a State or States, to punish whole communities for the delinquencies of individuals, as a means of compelling States to relinquish their purposes of secession from the Union, it is believed to be violative of the Constitution.

The Constitution gives to Congress power to regulate commerce, but it may be questioned whether that carries with it a right to destroy commerce, or to prohibit it in a portion of the States. It is not doubted that Congress has a right to establish and to abolish ports of entry, and so long as this right is exercised in good faith, its legitimacy cannot be successfully questioned. But when it is used confessedly not to regulate, but to destroy, so that there shall be none to regulate, it is a violation of the spirit and intent and of the very letter of the Constitution, as much so as it would be for Congress to enact under its power "to coin money and regulate the value thereof," that in certain States or in certain towns, on their being proclaimed rebellious by the President, the use of money should be forbidden to all the inhabitants.

Again: Art. 1, sec. 9, of the Constitution, says: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." It would seem to an unsophisticated mind that to abolish all the ports of entry in a State,

and to subject its citizens to heavy penalties for attempting to engage in commerce, are certainly acts that give a preference to ports of other States over those of the proscribed State. But it is said this bill is general and applicable alike to all the States; and that even if it was applicable to only one State it would not violate the Constitution, because it does not require all the ports to be closed in that State. To this it may be replied, that the bill is adroitly framed so as to appear to be general, but in reality it is not so. It does not operate at all except on a proclamation by the President, and it rests entirely with him to say where it shall operate, as well as when and how long. Under its provisions he may close up and blockade all the ports in one State without closing any others. So that, under the very best construction that can be placed on it, it is an attempt to authorize him to do what the Constitution says shall not be done.

Still more clearly is the other clause of the same section violated—"nor shall vessels bound to and from one State be obliged to enter, clear, and pay duties in another." For after all the ports of entry in Georgia have been closed, if a vessel shall sail from the West Indies with a cargo of molasses bound to Savannah, she cannot go into Savannah river without having first entered and paid duties, and thence cleared coastwise in some State whose ports have not been closed. If she refuses to do that which the Constitution says shall not be required of any vessel, the captain and his vessel will be seized and carried off perhaps to Maine, where he will be fined a thousand dollars, and his vessel and cargo will be confiscated.

Again: article 3, section 2, of the Constitution says: "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held *in the State* where the said crimes shall have been committed." And the sixth amendment to the Constitution says: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury *of the State and district wherein the crime shall have been committed.*"*

Under the provisions of the bill, a vessel seized within the district of Georgia, that is, within three miles of its coast, may be carried, with its captain and cargo, into any other State for trial and condemnation. It is said the offence is not technically "a crime," and the proceeding is not "a criminal prosecution." Unacquainted with the technicalities of the law, the undersigned is not prepared to controvert this assertion; but he respectfully submits that, if the captain has not been guilty of such a crime as entitles him to the safeguard guaranteed by the Constitution to petty offenders, he ought not to be subjected to so severe a penalty as a fine of a thousand dollars and forfeiture of his vessel and cargo, however valuable. The punishment is disproportioned to the offence. If he has been guilty of a crime, he is protected by the Constitution against being tried out of the district; if he has not been guilty of a crime, the pains and penalties of the bill are excessive.

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* This is believed to be the only instance of a repetition in the Constitution—a proof at once of the accuracy of the framers, and of their devotion to the great safeguard of trial by jury of the vicinage.

So inconsistent with the nature of our confederacy is the effort to substitute force for affection as the bond of Union, that every attempt to frame measures of coercion must equally with this encounter grave and manifold constitutional difficulties.

The undersigned is aware that, in recommending this bill in preference to one providing for the immediate use of military force within the harbors of the seceding States, the committee were mainly actuated by a desire to postpone as long as possible an actual collision of military forces. But war will be the inevitable consequence of the passage of this bill; and it is suitable that the House, in deliberating on it, should take into its consideration the probable consequences of war between the federal government and a large portion of the States. No human eye can take in all the scenes of that bloody drama, which will lay waste this fairest home of freedom, and blot out all traces of the contentment, happiness, and prosperity which have been developed in an unparalleled degree under the mild and peaceful rule of a government of affection. But some of its immediate and least doubtful political consequences may properly be adverted to.

In the first place, what object will this government have in view in entering upon and prosecuting the war? At what point will it be willing to sheathe the sword, arrest hostilities on land and sea, and repeal hostile legislation? Would it be when the seceding States consent to assume the payment of all dues to the federal government which their citizens would become liable to pay under existing laws? If so, Congress had better tender that to them in advance as the alternative of the sword. When, in 1813, and again in 1815, Congress was driven by the necessities of war to levy an odious and unpopular tax, which, as former experience taught them, would lead to popular tumult, if not insurrection, authority was given for the States respectfully to assume the portion which would be payable by their citizens. If securing the revenue is the sole object of this war, and its prosecution is to cease when that object is attained, why not make the offer before the war commences?

Will you prosecute it until you can get persons to accept the offices of judge, marshal, district attorney, collector of customs, &c.? He who is brave enough to accept federal office in the seceding States, is too brave to bow under the federal lash. It will be easier to fill these offices by persuasion before, than by compulsion after, the war begins. Will you not cease hostilities until the seceding States consent to send senators and representatives to Congress? It will be easier to induce them to that course by conciliation—by removing grievances and all grounds of apprehension for their safety in the Union—than by waging war.

Dissolution would inevitably follow war. What, then, is to be gained by war, except to enable one portion of the people of the Union to gratify a feeling of hatred and revenge towards another portion.

The cries that the "Union must be preserved at all hazards," and that "the honor of the flag must be maintained," do not even gloss over the real actuating motive of those who clamor for war, though many honorable and patriotic individuals are undoubtedly blinded

into the belief that such are their objects, and that their means are conducive to their ends.

The Union cannot be preserved by civil war, nor can the honor of the flag be added to or maintained on the bloody fields of fraternal slaughter.

One more of the probable consequences ought not to be overlooked. At present six States have withdrawn from the Union, and the expectation is entertained that only two more will at present pursue the same course. There are seven other States having the same interest in the institution of slavery, that are only restrained from severing their connexion with the Union from a lingering hope that the non-slaveholding States will take effectual steps to render them secure, and to induce the return of those which have seceded. They are now discharging faithfully, but in sadness, all the duties imposed on them by the federal Constitution. Whilst they remain in the Union they will fight its battles against all mankind, and scrupulously obey all its laws. But the undersigned feels justified in saying that not one of those States will furnish men or money, nor in any other manner aid, directly or indirectly, in waging war upon their brothers with whom they sympathize even in their errors. Whenever the laws of the Union impose that obligation, they will withdraw from the Union, and throw off the obligation of its laws. Not an arm will they raise, nor a blow strike, to impose the yoke or inflict vengeance on those who have been harassed and persecuted for thirty years by a merciless and intermeddling fanaticism until at length they have been driven into revolution.

The objects for which the Union was formed, as they are set forth in the preamble to the Constitution, were—

1. To form a more perfect union than had previously existed.
2. To establish justice.
3. To insure domestic tranquillity.
4. To provide for the common defence.
5. To promote the general welfare.
6. To secure the blessings of liberty to ourselves and our posterity.

Civil war cannot conduce to one of those ends, nor can it coexist with even a semblance of regard to those great objects. When Congress so far forgets the great and beneficent objects for which it was created as to endeavor to hurl one-half of the Union against the other half in bloody conflict, its commands will not be obeyed; the obligations of the Union will be promptly and sternly thrown off. The responsibility will surely rest on those who command so unnatural an act; but Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky, and Missouri, with seven millions of population, will take upon themselves all the responsibility incident to the occasion. In the name of Christianity and civilization they will protest against it, and, if necessary, with arms in their hands, and with such assistance as they can obtain from other States, will forbid the foul and infamous deed.

It may be asked, Are the laws of the Union to be set at naught, and its authority denied? When only private individuals assume to disregard them, they can and ought to be enforced. The government

has always been strong enough in physical forces and in the affections of its citizens to execute them when only opposed by individuals. Wide-spread discontent and formidable combinations have been overcome without the shedding of blood by an armed soldiery.

Similar difficulties could now be overcome in a similar manner. It is a striking fact that up to the moment of secession the laws of the United States have been scrupulously and punctually obeyed in every seceding State. No tendency to relapse into anarchy, or disposition to escape from the restraints of law, has been anywhere exhibited.

But when the resistance proceeds from States—not a single State, but an entire class of States—and the resistance is not to a law, but to the whole authority of government, the difficulty not only becomes greater in magnitude, but the nature of the case is altogether changed. It ceases to be a criminal misdemeanor, and becomes a political revolution.

Constables with writs can deal with the one, whilst only soldiers with the implements of war can overcome the other. Our government is amply provided for dealing with individual malefactors, but as the Constitution does not recognize the right of a State to secede, so it has made no provision for putting down revolution by force. If on the one side there is no right to do, there is on the other equally no right to prevent.

It ought not to be forgotten that the existing government was formed by the voluntary secession of the States from the old, and their voluntary accession to the new, confederacy. North Carolina and Rhode Island preferred the old to the new, and opposed the secession of the other members. The 13th article of confederation had expressly declared that "the union shall be perpetual," and the framers had affixed their signatures to this declaration: "And we do further solemnly plight and engage the faith of our respective constituents * * that the articles thereof shall be inviolably observed by the States we respectively represent, and that the union shall be perpetual." But the States had learned from experience that a change was necessary to their prosperity and happiness, and they made the change. State after State seceded, and the new government was put into operation, leaving North Carolina and Rhode Island alone clinging to the confederation. It never occurred to those States that they had a right to raise armies in the name of the confederacy, and make war under its flag against the seceding States. Least of all was it suspected that George Washington, president, and James Madison, Benjamin Franklin, Alexander Hamilton, Rufus King, and their compatriots, members of the convention which framed the present Constitution, were guilty of treason, although the articles of confederation, as has been seen, expressly negatived any right of secession.

The undersigned would rejoice to see the seceding States return of their own accord into the bosom of the confederacy. He does not doubt that they would joyfully do so if they could be assured of peace and security under its wing. He therefore respectfully submits that the remaining few days of the session can be better devoted to perfecting plans of adjustment and pacification than to organizing civil

war and devising ingenious schemes for distressing and maltreating the citizens of the seceding States.

To give any hope either of a satisfactory adjustment or of a peaceful separation, we must refrain from war, and from whatever will inevitably lead to war; and as the undersigned is convinced that the proposed bill will be the most irritating form of hostilities, he cannot concur with the committee in recommending its passage.

L. O'B. BRANCH.

ALLEGED HOSTILE ORGANIZATION AGAINST THE GOVERNMENT WITHIN THE DISTRICT OF COLUMBIA.

FEBRUARY 14, 1861.—Laid upon the table, and ordered to be printed.

Mr. W. A. HOWARD, from the select committee, submitted the following.

REPORT.

The select committee of five, appointed by the House on the 9th of January, 1861, respectfully submit the following report, in part:

On the 26th of January the following resolution was referred to said committee.

"*Resolved*, That the select committee of five be instructed to inquire whether any secret organization hostile to the government of the United States exists in the District of Columbia; and if so, whether any official or employé of the city of Washington, or any employés or officers of the federal government in the executive or judicial departments, are members thereof."

The committee entered upon the investigation under a deep sense of the importance and the intrinsic difficulty of the inquiry. To prove the existence of a secret organization having for its object the resistance to and overthrow of the government would, in the very nature of the case, be a difficult task if such an organization really existed. On the other hand, in a time of high excitement, consequent upon revolutionary events transpiring all around us, the very air filled with rumors, and individuals indulging in the most extravagant expressions of fears and threats, it might well be thought difficult to elicit such clear proof as would enable the committee to pronounce authoritatively that no such organization existed, and thus contribute to the quiet of the public mind and the peace of the country. The committee have pursued their labors with a determination on their part to ascertain the real facts so far as possible; and if, sometimes, they have permitted inquiries and admitted testimony not strictly within the rules of evidence, or within the scope of the resolutions it is to be attributed to their great anxiety to elicit the real facts and to remove unfounded apprehensions.

The extraordinary excitement existing prior to the late presidential election led disaffected persons of high and low position, after the result of that election became known, to consult together on the question of submitting to that result, and also upon various modes of resist-

ance. Among other modes, resistance to counting the ballots, to the inauguration of Mr. Lincoln, the seizure of the Capitol and the District of Columbia, were discussed informally in this city and elsewhere. But too much diversity of opinion seems to have existed to admit of the adoption of any well-organized plan, until some of the States commenced to reduce their theories of secession to practice. Since then persons thus disaffected seem to have adopted the idea that all resistance to the government, if there is to be any, should have at least the color of State authority. If the purpose was at any time entertained of forming an organization, secret or open, to seize the District of Columbia, attack the Capitol, or prevent the inauguration of Mr. Lincoln, it seems to have been rendered contingent upon the secession of either Maryland or Virginia, or both, and the sanction of one of those States.

Certain organizations in this District and in Maryland, that prior to the election seem to have been only political clubs, have since assumed the character of military organizations, are now engaged in drilling, and expect to provide themselves with arms, some from the State authorities, and others from private subscriptions. But so far as the committee were able to learn their purposes, while they sympathized strongly with secession, there is no proof that they intend to attack either the Capitol or the District, unless the surrender should be demanded by a State to which they profess a high degree of allegiance. Some of these companies in Baltimore profess to be drilling for the sole purpose of preventing other military companies from passing through the State of Maryland. Whether these representations of the purposes of these companies be correct or not, the committee have failed to discover any satisfactory evidence that they have any purpose whatever, as a mere mob, without the sanction of State authority, to attack the Capitol, or any other public property in this District, or to seize the District. If it should be admitted that any one of these organizations were hostile to the government, or entertained unlawful purposes, they are in no proper sense secret, and are therefore not such as are contemplated in the resolution of the House.

The committee are unanimously of the opinion that the evidence produced before them does not prove the existence of a secret organization here or elsewhere hostile to the government, that has for its object, upon its own responsibility, an attack upon the Capitol, or any of the public property here, or an interruption of any of the functions of the government.

The committee submit herewith all the testimony taken upon the subject, and ask that the same, and this report, be printed, and that the committee be discharged from the further consideration of the subject.

No. 5.

TUESDAY, *January* 29, 1861.

JAMES G. BERRET sworn and examined.

By the CHAIRMAN:

Question. The House of Representatives on Saturday last adopted the following resolution:

"*Resolved*, That the select committee of five be instructed to inquire whether any secret organization hostile to the government of the United States exists in the District of Columbia; and if so, whether any official or employé of the city of Washington, or any employés or officers of the federal government in the executive or judicial departments, are members thereof."

The committee have requested your attendance here for the purpose of ascertaining if you could give them any information upon that subject.

Answer. As mayor of the city of Washington my attention has been drawn, of course, to the various rumors that have found their way into the public press; and I have not confined my investigations to this city alone; they have extended beyond, both north and south of the Potomac. I have not been able to ascertain the slightest ground for any apprehension that there has been contemplated, or that there is likely to be contemplated, any foray or raid upon the city of Washington.

Question. Or to seize the public property?

Answer. Or to seize the public property, or to interfere with any public rights whatever. On the contrary, I am thoroughly convinced that while the peace of this city was never more literally under the control of the police than it is to-day, it will remain undisturbed in the future. Every indication points to that result; and unless some manifestation should be made, which we all shall be enabled to see—except for the purpose of keeping off the crowd, and keeping the streets clear on the fourth of March, in order that whatever pageant there may be shall not be interrupted—I shall deem it wholly unnecessary to add one solitary man to the police force of the city, except, as was the case of the inauguration of the statue of Washington, on the 22d of February last, when, you will remember, two hundred special police were appointed to keep the streets clear of carriages and vehicles of every kind, so that they might not crowd upon the procession. I know the people of Washington—I think I know them well; and I do not believe there is a solitary man in this city, with any claims to decency and standing, who would attempt to place the slightest impediment in the way of the peaceable inauguration of Mr. Lincoln. There are two organizations here: one started under the auspices of General Carrington, for the ostensible purpose of forming a military association; but after all, it was a mere political organization, a mere revival of an old political organization. And the same may be said in regard to another organization, whose resolutions have been spread before the public—an organization called the "National Volunteers." That, too, is a political organization;

the revival of an old one. I know them to be not only respectable, but they are stakeholding citizens, a great many of them, who would scorn to do anything that would bring reproach upon the city. I would rely upon them, as I would upon a large majority of the gentlemen belonging to Captain Carrington's organization, as affording an efficient means of maintaining the public peace. In a single word, I will say to you, in all candor and frankness, that I consider the municipal authorities here, as at present constituted, without any increase of force, abundantly competent to maintain the peace of this city, and afford the amplest protection to life and property. Events may occur in the future to lead me to change that opinion; but that is my conviction now.

Question. Have you had your attention called to the question as to whether there was in existence here any secret organization?

Answer. Yes, sir; there is none.

Question. And that is all false?

Answer. Yes, sir; that grew out of this fact: This "National Volunteer" association or organization existed as a political organization prior to the presidential election, and was known as the Breckinridge and Lane Club. Near the close of the canvass, as is frequently the case with all political organizations, they found themselves involved in debt. They assembled in private meeting for the purpose of determining upon some financial scheme to extricate themselves from that debt; and their transactions, which they supposed to be under the seal of privacy, were published in the "Star," of this city, which made them exceedingly indignant; and when this "National Volunteer" organization met here recently, finding the reporter of the "Star," or the person connected with that paper, present, they concluded, for the purpose of excluding him, to make their meeting secret. But at their next meeting they invited, by name, the reporters of the papers in the city to be present, and report the proceedings of the meeting.

By Mr. BRANCH:

Question. Including or excluding the "Star?"

Answer. Excluding the "Star." That I understood to be the fact.

By the CHAIRMAN:

Question. You think that is the origin of these rumors?

Answer. Yes, sir.

By Mr. BRANCH:

Question. Can you mention, in that connexion, the names of any prominent citizens connected with that association—the names of any who are known to the public?

Answer. Yes, sir. I will take, for instance, Mr. Charles H. Winder, a gentleman of acknowledged character and standing and high social position. And there is the son-in-law of Governor Wise, who, like his father-in-law, is a gentleman of very decided character and standing.

Question. You refer to Dr. Garnett?

Answer. Yes, sir; and there is Dr. Boyle, a son of one of the oldest and most respectable men of this city.

By the CHAIRMAN:

Question. A property-holder here?

Answer. Yes, sir; a large property-holder. Mr. William H. Thomas, also a very respectable, intelligent man, and a man of property. That association represents a very considerable amount of property—probably $100,000. It is utterly impossible, I think, that any such state of things as has been represented in the papers should exist here without my knowing something about it. But any information which I can give the committee, or any facilities which I can afford them with a view to acquire information, will be most cheerfully given.

Question. The towns and country are full of rumors about a secret organization called the "K. G. C," or the "Knights of the Golden Circle," or something of that kind; have you any information of, or do you believe that any such organization ever existed here?

Answer. That was an old concern that started in connexion with Cuba, or something of that kind. I have never heard of any such organization here.

Question. Nor of any citizens belonging to any such organization?

Answer. No, sir; I saw in a paper the other day—the "Star," I think—the name of L. Q. Washington associated with some such organization as that, mentioning, in connexion with it, that he was very high up in the order—some grand title, "G. W. T.," or something of the kind. I do not know what it meant; but I regarded it as a mere piece of facetiousness on the part of the editor. I certainly never heard that there was a meeting here. I do not think there ever was.

By Mr. DAWES:

Question. Of how many men does he police force of the city consist?

Answer. One hundred.

Question. Have there been any additions to it lately?

Answer. No, sir.

Question. Have you, from personal examination, ascertained of those who constitute the police force their sentiments latterly towards the government?

Answer. I have not inquired of them individually; but I regard them as perfectly loyal—as perfectly within my command. If they were not so, they could not belong to the force.

Question. Do you know their sentiments touching their duty, provided there should be a secession of Maryland and Virginia?

Answer. I never inquired with any such view as that, because I regarded that as not within the range of probability at all.

Question. That either State should secede?

Answer. If either or both of them should secede, I think I should command the hearty efforts of every citizen here to preserve order.

Question. I wanted to know if, in view of any such contingency, you have made any such inquiries of the police?

Answer. No, sir; I have not.

Question. Either of the captains or the subordinates?
Answer. No, sir; I have not.
Question. Do you know of how many men the police force in charge of the Capitol consists?
Answer. Only from what I read in the papers.
Question. They are independent of you?
Answer. Yes, sir; I think the chief of police told me yesterday they numbered twenty-nine men.
Question. Your chief, or the other?
Answer. The chief of the Capitol police.

By the CHAIRMAN:

Question. Captain Dunnington?
Answer. Yes, sir.

By Mr. DAWES:

Question. You have a chief of the police?
Answer. Yes, sir.
Question. What is his name?
Answer. John H. Goddard.
Question. Is he a native of this city?
Answer. No, sir; he is a native of Rhode Island, and as good a man as ever lived.
Question. Do you think the resolution which was published in the papers here as having been adopted by the "National Volunteers," respecting what they should deem to be their duty in the case a certain contingency arose, expressed the views of that organization?—I mean the one which, in substance, stated that if Maryland and Virginia should secede they should go with them—that their allegiance would be with them.
Answer. I doubt whether the resolution was well considered; I do not think it could have been, or they would not have adopted it.
Question. Was it adopted by the company?
Answer. I understand it was.
Question. Do you know who offered it?
Answer. I do not.
Question. Do you know whether it was adopted with unanimity?
Answer. I do not.
Question. Or whether it was adopted after discussion?
Answer. No, sir; I do not.
Question. Have you heard of any attempt to rescind it?
Answer. I have not; I have heard that talked of.
Question. Do you suppose it stands now as the record of the company?
Answer. I should think it did. I read the resolution hastily; I never re-read it. And I never did get a very distinct knowledge of the purposes of the association from the resolution. But what I understood from some of the gentlemen with whom I talked was this: their idea was, that if the southern States should go out, and if a southern confederacy should be formed, and if a formal attempt should

be made upon the part of one section to war against the other section, then in that case they of course would be in line with their section.

Question. Do you know who is the commander of that organization?

Answer. I think they have no commander.

Question. Have they any officers?

Answer. I think not.

Question. What position does Dr. Garnett hold in it?

Answer. I think he is a private in the ranks, so I understand.

Question. Do they parade?

Answer. I think not. They are drilling, and I think the other night they did walk down the streets in pairs; so I understood.

Question. Under whose superintendence are they drilling?

Answer. They have men in their numbers who served in the Mexican war, and who are military men.

Question. Do you know who they are?

Answer. I understood that a gentleman by the name of William B. Maxwell was one.

Question. What position did he hold in the Mexican war?

Answer. I think he belonged to the Virginia regiment.

Question. Do you know any other military men there?

Answer. No, sir; I do not.

Question. Does any personal interview with them, or personal knowledge of your own, besides your inferences from the character of the gentlemen, lead you to suppose that they are entirely loyal to the Union?

Answer. I am satisfied, from my knowledge of the character of the gentlemen who belong to that association, and from personal contact with many of them, that they are entirely loyal.

Question. Have you latterly had any personal intercourse with any of them?

Answer. It was only on Sunday last that I had a very long conversation with a very respectable gentleman, a member of that organization, from whom I got a history of the organization, and who, I have no doubt, will, with great pleasure, give it to your committee in detail.

Question. What did you learn from this interview, or otherwise, were their real sentiments touching their duty to the Union, in case of force being resorted to?

Answer. I learned this: that they were prepared and ready to afford me their aid, in any manner that I might see fit to command it, to maintain the public peace of this city.

Question. Are they considered as under the control of the military arm, as a part of the military force?

Answer. No, sir.

Question. They are independent, are they?

Answer. Yes, sir; they are perfectly independent.

Question. Did you learn from them that they were willing to await orders from General Scott?

Answer. I did not. I did not understand from them that they had reached that point. They had not even elected an officer, or been

furnished with arms. They do not belong to the military organization of the district at all.

Question. Have they no arms?

Answer. I think not.

Question. How do they drill?

Answer. In squads, I suppose, as they usually do.

Question. Do not companies when they drill have arms?

Answer. Oh! no.

Question. Have they an armory?

Answer. I think not.

Question. Where is there place of meeting?

Answer. I have understood it to be in Harmony Hall. It is so advertised in the papers.

Question. Of how many does this organization of General Carrington consist?

Answer. That I do not know.

Question. Rather an antagonistic political organization, you think, to the other?

Answer. It is a political organization, I think.

Question. And rather antagonistic to the other?

Answer. They are antagonistic to each other in politics.

Question. Was the National Volunteers' association organized after the other?

Answer. The National Volunteers were organized before the presidential election.

Question. And this of Mr. Carrington's has been organized within a few weeks?

Answer. Yes, sir.

Question. Is there entire good feeling between the two organizations?

Answer. Personally, I should think there was.

Question. What pains have you taken to ascertain whether there really existed any secret organization here not to be known by ordinary means?

Answer. Well, I have taken pains to avail myself of various sources of information—in conference with friends, and also those upon whom I had no particular claims as such, but who, like myself, have a great interest in the welfare of the city.

Question. Have you detailed any portion of the police for that duty?

Answer. No, sir.

Question. Have you employed any individual to investigate that matter?

Answer. No individual for compensation or reward. I have talked with the marshal of the police of Baltimore, and conferred with persons passing to and from the south. I have had no regular system, because, it is proper for me to say, I have never myself attached any consequence to this matter at all.

Question. You never did investigate with any idea that you would find out anything of the kind?

Answer. No, sir; I never did. And all the investigations I have ever made have only confirmed me in that conviction.

Question Have you conferred with General Scott upon the subject?

Answer. I have.

Question. How lately?

Answer. Within two or three weeks. I asked General Scott if he could point me to any fact which warranted any such conclusion.

Question. Have you co-operated with him in this matter?

Answer. General Scott has not made me his confidant. He told me he had no facts.

Question. Up to what date was that?

Answer. Two weeks ago, perhaps.

Question. Has he called upon you, or you upon him, since?

Answer. I called upon him about two weeks since, at the request of Captain Stone.

Question. At the inauguration of Mr. Buchanan, in 1856, what additional police force did you have?

Answer. I was not mayor at that time. I think the whole of the extra police force numbered 100. Their regular police force at that time did not exceed 60, I think.

Question. At the time of the inauguration of the Washington statue you added, temporarily, 200 to the police force.

Answer. Yes, sir.

Question. Was that in anticipation of any particular disturbance?

Answer. Not at all; it was only for the purpose of protecting the pageant from the crowd. It was done at the request of the joint committee of Congress.

Question. There was no anticipated trouble at all on that occasion?

Answer. No, sir.

Question. Everything was in perfectly good temper?

Answer. Yes, sir; as I think it is now.

Question. You think that is true of the present state of things?

Answer. I do, most unquestionably. I shall be most egregiously disappointed if it proves to be different.

Question. You do not apprehend any trouble from broils in drinking saloons, and such as that?

Answer. That would likely occur in such a city as this at such a time. It occurred when Mr. Buchanan was inaugurated. I suppose 15 or 20 pistol shots were harmlessly fired at the National Hotel, even among men of the same political party.

Question. Have you made any efforts to ascertain whether, outside of the District, in the neighborhood, there does not exist companies daily drilling?

Answer. I have inquired of gentlemen in Maryland, some of whom belong to this military organization, and I know distinctly from them—and I know they are incapable of misrepresenting anything—that their organization has exclusive reference to their own protection.

Question. Will you give me the names of some of these gentlemen?

Answer. William Bowie—I think his name is William—of Prince George's county, is one. He is a son of Colonel William D. Bowie. I think it was only a night or two ago that I spoke to him about it.

He told me they had organized a troop of horse there for their own personal safety.

Question. Did you ascertain from him when it was organized?

Answer. Yes, sir; very recently, I think.

Question. Of how many does it consist?

Answer. I did not inquire.

Question. Did you ascertain who was in command of it?

Answer. No, sir; I did not.

Question. Any other gentleman that you could name?

Answer. No, sir; I do not remember any other at this moment. I am sure I have talked with others, though I know the character of the gentlemen there so well that I should be restrained from seeming to interrogate them, because they are too high, in every sense of the word, to be engaged in any enterprise that is not eminently lawful.

Question. Do you think they occupy a higher position than Governor Wise?

Answer. In a social point of view they do not.

Question. Have you more confidence in Governor Wise's son-in-law, and in his loyalty, than you have in that of Governor Wise himself?

Answer. I have perfect confidence in the loyalty of each of them. I have not the slightest idea that either of them would put himself at the head of any organization for any unlawful purpose.

Question. You have no idea that either of them ever contemplated seizing the Capitol by force?

Answer. No, sir; I have not the slightest.

Question. Have you taken any special measures to ascertain whether that was so in reference to Governor Wise?

Answer. No, sir.

Question. Have you taken any measures to ascertain whether there existed any organization under Governor Wise's own command; and if so, how extensive it was?

Answer. I have inquired, and looked into the newspapers; but I never attached any consequence myself to any idea of any foray upon Washington. I regarded that as a mere political movement at the time; as a sort of set-off to the Wide-awakes.

Question. What do you suppose was the end contemplated by the organization?

Answer. I supposed it was a mere political organization, that would cease to exist when the presidential canvass terminated.

Question. Do you think it has now ceased to exist?

Answer. I do.

Question. Have you taken any steps to ascertain that fact?

Answer. No, sir, I have not; because I really attached no consequence to it in view of our peculiar relations to this question.

By Mr. BRANCH:

Question. What is your understanding of the object of the "Minute Men?" That that organization was for the purpose of making an attack upon the city of Washington, or solely to defend themselves and their States from an attack by the government?

Answer. I certainly supposed the organization contemplated operations within their own State.

Mr. BRANCH read the following extract from the Washington correspondence of the New York *Herald*, published January 28, 1861:

"The most intense excitement exists in certain congressional circles in consequence of the fact leaking out that the Howard select committee of the House have positive evidence before them of a conspiracy existing in this city and vicinity to overthrow the government, in which certain prominent officials and citizens in Washington and elsewhere figure. Decisive action will be taken in relation to the matter, and every man, from ex-cabinet officers down to the humblest department clerk or Senate employé, will be held to the strictest account. In this emergency it is gratifying to know that, while there may be many citizens in Maryland who, when they can honorably do it, if they cannot consistently remain in the Union, will go out, have determined that while they do remain in it they will be loyal citizens, and when they go out will not do so dishonorably.

"The existence of the conspiracy has been known to certain officials in Washington for some time."

The CHAIRMAN stated to the witness that he was the first one who had been examined in reference to this subject.

After some conversation the examination was proceeded with.

By Mr. BRANCH:

Question. Now as to these National Volunteers; when were they organized?

Answer. I think just prior to the presidential election.

Question. Does that organization extend north of Washington? Have you heard of its existence in any of the northern cities?

Answer. In Baltimore there is an organization called the National Volunteers.

Question. Did you, previous to the election, hear of a similar organization in New York, or elsewhere in the north?

Answer. I think I did. I think they were gotten up in opposition to the Wide-awake organization. That was my understanding of it at the time.

Question. Did you ever hear of any branch of that organization south of the city of Washington?

Answer. I never did.

Question. Is it confined to the city of Washington and to the north?

Answer. I think so; so far as my knowledge extends. In speaking of the National Volunteers, it is proper for me to say that while originally they numbered upwards of 300 members, I have the most reliable information that their numbers now do not exceed 45.

By Mr. COCHRANE:

Question. In this city?

Answer. Yes, sir.

By Mr. BRANCH:

Question. Has there ever been in this city any Wide-awake organization?

Answer. Yes, sir.

Question. Did the Wide-awakes here drill?

Answer. That I do not know.

Question. Have you ever seen or known of the Wide-awake association at the north drilling?

Answer. I have seen it stated in the public papers that they drilled.

Question. Drilled as armed men, as soldiers?

Answer. I think it likely they did. But really, so far as the Wide-awake and National Volunteer associations are concerned, I never regarded them in their palmiest days as having power to disturb the peace and quiet of this city.

Question. The National Volunteers here, you say, are only 45 now?

Answer. Yes, sir; at their last meeting. They had several meetings, I think, when they did not exceed 25 or 30.

Question. You say the Wide-awakes never drilled here?

Answer. Never, to my knowledge.

Question. Have you yourself ever seen them drill at the north?

Answer. I never have.

Question. You have understood that they did drill there?

Answer. I got that impression from the public papers.

Question. Do you know of any collection or deposit of arms in secret places in this city by or under the control of any combination of persons of any political party?

Answer. I do not.

By Mr. DAWES:

Question. Have you taken any measures to ascertain that fact?

Answer. I have taken no measures specifically to ascertain that fact?

Question. Will you tell me in what particular part of the north you ever heard of the Wide-awake organization going through the military drill?

Answer. Well, I got my impression from the public papers; I think it applied to all northern cities.

By Mr. COCHRANE:

Question. Have you at any time received notices, anonymous or otherwise, of the existence of any conspiracy or organization for the disturbance of the peace of this District?

Answer. No, sir; I think not.

Question. Have you heard of any anonymous communications of that character being sent to individuals?

Answer. I think not; I may have heard it, however; I have so frequently received anonymous communications, threatening myself and the President and other people, that I never attach any consequence to anonymous communications.

Question. You have heard of none of any character bearing upon this subject?

Answer. I have heard of none; I have seen nothing of the kind; I do not believe in the existence of anything which has for its object the disturbance of the peace and quiet of the city of Washington on the 4th of March next.

By Mr. BRANCH:

Question. Or before the 4th of March?

Answer. Either before or after the 4th of March.

By Mr. COCHRANE:

Question. If, in the present state of feeling in the District, you should hear of anonymous communications to respectable females, helpless persons, warning them to be absent on or about the 4th of March, would you deem the matter of sufficient consequence to investigate it?

Answer. I hear it now for the first time. There was a notice going the rounds of the press that Governor Wise advised his family—I suppose it referred to Dr. Garnett—to be out of the city before the 4th of March; that was all I heard.

Question. I have no special reference to anything, but simply to ask whether, in the present state of feeling in the District, such knowledge brought to your attention would justify you, in your judgment, to inquire concerning it?

Answer. I think I should be inclined, from any plausible representations brought to my notice bearing upon this question, to look into it. But it has not been brought to my attention. I have talked with leading southern men from various States, and in my conversation with them I find nothing that justifies the conclusion that there is to be any disturbance; on the contrary, without a solitary dissenting voice, they repudiate and repel the idea that the south would tolerate any such thing in any of her citizens.

By Mr. DAWES:

Question. Would you expect a man who was engaged in any such attempt as that to own it to you?

Answer. No, sir, I would not; but I would expect that any such organization as that would certainly come to my knowledge in some form or other.

Question. You would expect to find it out from some other source?

Answer. The truth is, I do not see, I am free to admit, how such an organization could exist twenty-four hours without its being known. It would involve the necessity of the moving of a large number of men and the accumulation of arms, and all that sort of thing. A mob could be gotten up very suddenly, there is no question about that.

By Mr. BRANCH:

Question. You speak of having seen rumors in the papers in regard to disturbing the peace here. Have you ever seen any of those rumors in southern papers, or are they all confined to northern papers?

Answer. I think they are confined pretty much to the leading papers in the north.

Question. Would you think it very strange, when letters in the Herald of the description I have read here were written here from this city, entirely unfounded, that timid females should be alarmed and desirous of getting outside of the city before the 4th of March?

Answer. No, sir, I should not; but according to my experience some timid men get more alarmed than timid women; I have not seen any women who were alarmed, but I have seen some men who were.

By Mr. DAWES:

Question. Would you expect, if such an organization in a community existed to any extent, to find a warning in the public press of the locality where it existed, and which would be likely to be infected with the same spirit that would prompt the getting up an organization of that kind?

Answer. The fact of it is, I should not look to the public press at all for accurate information upon that subject.

Question. But least of all to the public press of the vicinity?

Answer. We do not get that information from abroad. I have mingled with ladies here, and have not yet found the first lady who has expressed to me the slightest concern. But I am constantly met by men about it every day. No, sir; I have not seen the moment when my apprehensions have been aroused by this matter. I cannot see the reason for it, in the first place; I see no preparation for it.

Question. Do you know of any measures adopted by those who have charge of the peace of the city to prevent any disturbance here?

Answer. I know that gentlemen from the north and the south have taken some pains to express the opinion that people should come here in their individual capacity, and not in organized bodies. I think the advice good, and very commendable to persons of either section. I think there will be, comparatively speaking, very few people here on the 4th of March, from the north or south.

By Mr. COCHRANE:

Question. How large is the military force of this District?

Answer. I do not know. I have been told that there are enrolled about 2,500 men.

Question. What is the present effective force, the volunteer force?

Answer. I suppose they might number 300 or 400 men.

Question. Are you aware of there being other disciplined forces in the District?

Answer. Yes, sir; there are several companies in Georgetown, I think. There are companies now being organized. I understand that it is expected that the volunteer militia, under the present system of enrolment, will number 2,500.

Question. Armed?

Answer. Yes, sir.

By Mr. BRANCH:

Question. Do you mean uniformed companies?

Answer. No, sir; all together.

By Mr. COCHRANE:

Question. Armed, but without opportunity to drill, I suppose?

Answer. They are drilling now, I think, all over the city, under the general superintendence of the inspector general, Colonel Stone.

Question. Are you aware of any other force than this?

Answer. I understand that there are some federal troops. I believe General Scott, and the President also, told me that they intended to bring them here.

Question. You think, from your knowledge of events and facts here, that there are active military preparations made to meet any possible insurrection, melee, or insubordination?

Answer. Oh, yes; there is no question about that. The federal government, it seems, are taking very active measures to bring here as large a body of troops as they can conveniently command at this point. They mean to organize the militia with a view to avail themselves of their services if occasion should require. The present indications are, I think, that you will inaugurate Mr. Lincoln in a peaceable city, and in the midst of a peaceable assemblage of office-seekers and office-holders, and various other people. I should feel it to be my duty, if I discovered any plan that looked to a disturbance of the public peace, to serve notices upon the men engaged in it.

By Mr. BRANCH:

Question. Have those companies of the federal troops been brought here in accordance with your request?

Answer. No, sir.

Question. Did General Scott state to you that there was any fact to warrant his bringing them here?

Answer. No, sir. Yet so much had been said that he was induced to bring them here. I talked with the President previously, and he expressed his determination to bring them here, and he asked me what I thought of it. I said I thought it very well to have the public property properly cared for; that the arsenal was in a very unprotected condition, with a large quantity of arms there; and that it might be, and undoubtedly would be, well and prudent and proper, at all times, for the government to protect its property with as much care as an individual would protect his.

JAMES G. BERRET.

No. 6.

TUESDAY, *January* 29, 1861.

JOHN B. BLAKE sworn and examined.

By the CHAIRMAN:

Question. Do you reside in Washington?

Answer. Yes, sir.

Question. Are you the Superintendent of Public Buildings here?

Answer. Commissioner of Public Buildings and Grounds is the term.

Question. As such, do you have the control and charge of the Capitol police?

Answer. Yes, sir.

Question. What is the extent of that force at the present time?

Answer. The regular force is 14 men, including the captain, 13 besides the captain. But I was authorized by the President of the Senate and Speaker of the House to increase it temporarily, until the 15th of March next, by appointing 14 additional men, that is, doubling the force.

Question. That is, making 28 in all?

Answer. Yes, sir; or 29 in all, as I come in as the head of the police.

Question. You count yourself in?

Answer. Yes, sir, when there is any difficulty.

Question. And 14 men have been appointed recently?

Answer. Yes, sir.

Question. From all that you know, do you anticipate that there is any extraordinary danger to the Capitol and the public property here; any designs upon it from any quarter?

Answer. I do not apprehend the least danger at all. I have never seen any reason for apprehension more than the general clamor upon the subject.

Question. You know of no facts that lead you to believe there is any cause for apprehension?

Answer. I do not I think myself it all originated from some remark made by Governor Wise during the canvass. I have never seen any reason to give credence to the apprehension. I have talked freely with the President and other officers of the government, and they have interrogated me freely upon my opinion in reference to it. I told them I could see no real grounds to apprehend danger.

Question. Have you any knowledge of any secret organization here, civil, military, or otherwise, that has for its object any attack in any shape upon the public property here?

Answer. No, sir; none whatever.

Question. Or to disturb the peace?

Answer. None whatever.

Question. Have you ever taken any pains to ascertain whether there was or not?

Answer. I have never done anything more than to inquire among my men if they saw or heard any cause of danger. I have talked with them freely upon the subject, and told them that if they saw any suspicious movement, or heard of anything that would give rise to any suspicion of any design upon the buildings or the peace of the city, they must communicate the fact to me. But I have never been able to elicit anything from them. And I will say in regard to this organization of National Volunteers, I know nothing whatever about them, except that one of the men who was under my charge said that he had been a member of it, but that that was before the election,

and then it was for no improper purpose whatever. He was one of the police recently appointed. Another of my men—not, however, one of the police—who has been in my service five years and a half, said that he was a member of it. I interrogated him yesterday very strictly upon the subject He said it did not contemplate any unlawful object whatever. He told me, moreover, that it had originated pretty much because of the Wide-awake movement; that the Wide-awakes had made a great parade, and of course our men thought they must make a show too, and they formed the National Volunteers as a sort of offset to the Wide-awakes.

Question. An electioneering machine?

Answer. Yes, sir. I always understood that to be the object. I never was at any meeting of them, and never knew anything about them; I never inquired particularly about them. I would hear people say, "There go the National Volunteers," when the democrats were making a parade. The first time I saw them was when I was standing by the Capitol here, and saw them going to the depot, and was told they were going to some meeting in Baltimore. They had no uniform on, except caps of a peculiar kind. They said they were going to Baltimore for a great parade—a lamp-light procession that night.

Question. At what time was that?

Answer. That was the latter part of October.

Question. Before the election?

Answer. Yes, sir. I do not think that, except on the night of the election, there has been any demonstration by them here at all. I never saw them at any other time. That night a parcel of fellows—I understood they were some of these—went down below where I live. I heard a noise, and got up and raised my window and looked out, and saw some police running. I had intended to have gone down, but as soon as they heard that the police were coming they left.

Question. You allude to the mob that attacked the printing office of Buell & Blanchard?

Answer. Yes, sir; I heard the noise, and got up and looked out, and saw that there was a row down there.

Question. That was immediately after the election?

Answer. That was on the night of the election.

Question. In consequence of the high state of excitement here?

Answer. Yes, sir.

Question. Have you ever heard any rumors about there being powder deposited in the Capitol here?

Answer. Yes, sir, I have heard those rumors.

Question. I suppose you traced out their falsity?

Answer. Certainly. There was nothing of the kind. A great many persons have asked me about it, and we have been very particular in examining.

Question. You did examine in consequence of these rumors, although you did not believe in them?

Answer. Yes, sir; we have examinations made every night. The first thing we do after closing the building at night is to go all through it, up and down—all through the cellar and every place, and

look closely. And I have told my men to be particularly careful under existing circumstances. I was afraid that somebody, without intending to blow up the Capitol, but merely to create an excitement, might bring in a keg of powder and deposit it there; for I thought nobody would be such a fool as to bring in a keg of powder and explode it himself.

Question. Unless they had a pretty long fuse?

Answer. Yes, sir. I have given the men rigid instructions; I have put them at all the main doors in the daytime, so that they may know what comes in and what goes out. At night, after the post office is closed, which is sometimes pretty late, they are required to take down the name and hour when anybody comes in, and the hour when he goes out. I have this done so that, in the event of any difficulty arising in the Capitol, I can tell who were in the Capitol, in order to get some explanation from them if possible.

Question. Can you give us a list of these fourteen men who have been recently appointed?

Answer. I can furnish you with a list of them. I have not the list here.

Question. Do you know them all personally?

Answer. I know the most of them personally, and they are all men of good character, except one man, in whom I have every confidence. His mother keeps the Washington House, on the avenue. His name is Ben Beveridge. He has been raised in this town. I have known him from his boyhood; and nobody could ever say anything against Ben, except as to his fighting propensities. He was always a terrible fellow for fighting. Some three or four years ago, when know-nothingism first made its appearance here, there were a parcel of men in the Northern Liberties who got up some kind of association that they called the Plug-Uglies, and Ben organized an association to meet them. They were very much opposed to each other, and were a great nuisance to the community. Ben was at the head of the "States Hose" party; it was a party of democrats. Both parties were a very great nuisance to the people of this city, and strangers were very much annoyed by them, too, and Ben got a very bad reputation from that circumstance. But he is a married man, and has been trying to get along; he is a sober man, and has no bad habits, except that he likes to get into a broil. The other day I was coming up to the Capitol—I think it was three or four days before the Speaker and the Vice-President said anything to me upon the subject—I met Ben, and he said to me, "So you are going to have some additional police at the Capitol." I said, "No, I guess not; I have not heard anything about it." He said, "Yes, it is so; I have heard it from the members in our house; they don't think there is police enough to protect the buildings." I said, "I know nothing about it." Said he, "If you increase the force, will you give me a place?" I said, "I never make promises, but I will give you a place upon one condition. You know your reputation here in connexion with the States Hose." He said, "Yes, but I have been trying to behave myself since, and nobody can say anything against me for the last two years." I knew that, and I told him I would give him a place if he behaved himself,

and I did so. I have entire confidence in him myself, and I do not know anybody that would be more entirely subject to my control.

Question. Is there a man amongst them by the name of "Lum Cooper?"

Answer. No, sir, not among them. I know the man you mean. He is not a policeman, but he is the man I referred to who said that he belonged to the National Volunteers. He is a lamp-lighter. I appointed him five and a half years ago. I appointed him at the instance of Mr. John C. Rives; he is a great pet of Mr. Rives.

Question. Then he does not belong to the police at all?

Answer. No, sir.

Question. What is his real name?

Answer. His real name is Columbus Edelin, I think. His mother married a man by the name of Cooper, who brought him up, and so he took the name of Cooper from his step-father, and he is called Lum Cooper.

Question. Have you heard any intimations that he was decidedly disloyal to the government?

Answer. No, sir. I will tell you what I saw. A gentleman on Sunday brought to my attention the New York Times, in which there was an article in which Cooper's name was mentioned. I sent for him, and had a conversation with him upon this subject. The article referred to some flag on his house, and about his cutting the stars out and putting in the palmetto or something of the kind. I asked him about it, and inquired of him generally his views about matters. He said the flag was not in his yard, and wanted me to get in my buggy and go down there and see it. He said the flag was in the yard of his neighbor, who was a republican, and that it had only eighteen stars in it; and he presumed the reason was that it was a flag that he bought out of a store, and they just stick in as many stars as they can get in without any reference to the number of States.

Question. Just fill up the spare room with stars, be it more or less?

Answer. Yes, sir. He says that he has had no flag there since Mr. Buchanan was elected.

Question. You then regard this imputation upon his loyalty as all false, from what you know?

Answer. So far as the flag is concerned, I will just tell you what he said to me. I had heard that he had said he would shoot Mr. Lincoln if nobody else would do it. I interrogated him upon that point, and he said no man would dare to face him and bring such an accusation against him. He asked who it was that told me, but I declined to tell him, because I did not feel at liberty to do so. It was one of the officers of the House who mentioned it to me. He denied it. He said he belonged to the National Volunteers, but they did not contemplate any attack upon the city of Washington. He said the organization was kept together more for the purpose, if the Wide-awakes came on here—to use his expression—"to cut up any shines," they would be ready to meet them. That was the object, he said.

By Mr. BRANCH:

Question. As I understand you, there was a flag in the yard adjoining Cooper's that had but eighteen stars in it, and he attacked the flag and cut the stars out because it was not a national flag?

Answer. No, sir; he had nothing at all to do with it. He said the flag belonged to his neighbor. He said, moreover, that his neighbor there had a meeting almost every night, and that they had arms in the house. But he said he did not know for what purpose.

By the CHAIRMAN:

Question. Who is this neighbor?

Answer. I do not know; I did not inquire.

By Mr. COCHRANE:

Question. When was this conversation?

Answer. It was on yesterday. I will see this man again who told me about Mr. Cooper. This Cooper is a very talkative fellow, and I have often checked him about his talk. He is a man that has a great deal to say, and very little judgment, and often utters things without any foundation, I should think. He is very extravagant in his talk, though he is a little man; but he is a big bragger. I do not think he had anything to do with that flag. I believe he intends to libel the author of that letter if he can.

By Mr. DAWES:

Question. How many of these twenty-eight policemen are members of the National Volunteers?

Answer. Well, sir, I do not know that any of them are, except this man Ben Beveridge; he joined them originally, but he has not been with them since the election, so he assured me; I inquired of him particularly about that.

Question. Did you inquire anything about this resolution adopted by the National Volunteers, that in case of secession, if their services were desired, they would be against the Union?

Answer. No, sir; I did not. The fact is, it did not make the slightest impression whatever upon my mind.

Question. Have you ever made personal inquiry as to the loyalty of each one of these twenty-eight police?

Answer. Yes, sir; I am prosecuting that inquiry, especially since the matter was brought to my attention by the paper that was shown to me, which stated that I had appointed persons disloyal to the government. They are not all at the Capitol at the same time, but so far as I have made the investigation it is entirely satisfactory to me. Every man pledges himself to sustain the government of the United States and to protect the buildings here at the hazard of his life. They are a strong set of men, a bold set of men, and I think they would make a pretty good show if anybody were to come to drive them out.

Question. You have the appointing power?

Answer. Yes, sir.

Question. And can remove them at any moment?
Answer. Yes, sir; without the interference of anybody.

By the CHAIRMAN:

Question. You consider yourself entirely responsible for these police?
Answer. Yes, sir.
Question. Have you, in your inquiries and investigations since this was called to your attention, had occasion to inquire about a man of the name of McConnell?
Answer. No, sir; McConnell was not on duty yesterday, I think. Is there anything about him?
Question. I think that his name was mentioned to me, but nothing very definite, except that the remark was made that he was a most violent secessionist; but whether they meant to imply by that that it was a mere matter of opinion, or that he would turn against the government, I do not know, but the drift was that he was a strong secessionist.
Answer. This man McConnell used to be about the House of Representatives, as doorkeeper or something of that kind. He has often applied to me for a place, but I had no opportunity to give it to him. I thought he was a very proper sort of man, who always deported himself well. He has acted from time to time as substitute for some of the men, as they had occasion to go away from Washington, or when some one of them was sick. Any man who wants to leave must provide a substitute who is satisfactory. He has acted as substitute on several occasions, and I thought from that circumstance that he was a very trustworthy man; but I never made any particular inquiries as to his politics.
Question. We do not care what his politics may be. The simple question is whether he is a man that could be trusted to do his duty?
Answer. I will make particular inquiry about that. I did not have the slightest suspicion about him at all. I would be much obliged to any of you, gentlemen, if you would inform me of any names about whom anything is said, for it is necessary for me to know everything about my men.

By Mr. DAWES:

Question. Do you know their views about this question of secession?
Answer. I do about most of them; but I intend to inform myself in regard to them. I do not think there is a secessionist among these new men.

By Mr. COCHRANE:

Question. With reference to what qualities did you select your men?
Answer. They are sober men, many of them mechanics about town, that I knew, industrious men, men who deported themselves well, men of proper age—about middle age—that is, those who were appointed upon my own knowledge; there was one here appointed at the request of a senator; he is a man about 40 years of age.
Question. Did you know the persons when you appointed them?
Answer. I do now.

Question. Did you then?

Answer. No, sir.

Question. How many did you know then?

Answer. I think all but two or three men.

Question. And all you knew personally were men of reputable standing and reliable character?

Answer. Yes, sir.

Question. And so far as present difficulties were concerned, in reference to which they were appointed, they were loyal?

Answer. Yes, sir; I believe they are perfectly loyal. I commenced catechising them individually yesterday.

Question. In reference to those whom you did not know personally, what recommendations did you receive?

Answer. I just took what we all have to take here—I considered the recommendations of members of Congress as sufficient.

Question. You relied on that?

Answer. Yes, sir; but I did not want to appoint any man whom I did not know.

Question. In reference to their opinions and inclinations, did you take any other course to discover them than by application to the men themselves?

Answer. I talked to the men themselves. I know they are men who will not deceive me. I told them that if they found out that any of them were unfriendly to the government to let me know it.

Question. Then you did take another course than applications to the men themselves?

Answer. Certainly; but I interrogated the men themselves.

Question. From the inquiries that you have made, have you any suspicion of their loyalty?

Answer. Not a single individual, or of the whole of them, either old or young. I intend to interrogate the whole of them.

By Mr. REYNOLDS:

Question. How many of these men did you appoint on recommendation of members of Congress?

Answer. If I had the list here I could tell exactly. I do not suppose I have appointed more than three or four persons upon recommendations of members of Congress; I asked the Speaker and the Vice-President to designate one each, and they did so and I appointed them.

Question. How many did you appoint upon the recommendations of members of Congress?

Answer. I think three or four.

Question. And nine of them you appointed from your own knowledge?

Answer. Yes, sir.

Question. Are all that you appointed residents of this city?

Answer. Yes, sir; with the exception of two.

Question. What is the peculiar knowledge of members of Congress, who do not live here themselves, as to these men?

Answer. Well, they seem to take a peculiar interest in such matters. I cannot tell what peculiar knowledge they have.

Question. What members of Congress were they upon whose recommendations you made these appointments?

[Mr. BRANCH objected to the question.)

The WITNESS. I have not made any appointment upon recommendations of members of Congress south of the Potomac river.

The CHAIRMAN. I suppose the question is proper in this point of view, at least; the object is to find out what the real character of the men is, or any particular man is, and if any one was appointed upon the recommendation of a particular person, it may be followed up by inquiring of that person what his means of knowledge are. As a matter of inquiry I think it is competent. In any other point of view it might be objected to as irrelevant.

The WITNESS. I have no objection myself, but I do not know how those gentlemen would like it, though I do not suppose they would object. It is merely out of delicacy that I object to mentioning names. However, they cannot object to it if the committee require an answer. Senator Thompson, of New Jersey, was one who spoke to me about Mr. Foster; and Mr. Kunkel, of Maryland, spoke to me. And then one was appointed upon the suggestion of the Speaker and one by the Vice-President, and now I come to think of it, I believe that makes up the whole of them—only four in all.

By Mr. REYNOLDS:

Question. How many did you appoint upon the recommendation of Mr. Thompson?

Answer. But one.

Question. How many upon the recommendation of Mr. Kunkel?

Answer. Only one.

Question. Then you appointed but two in that way?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Will you state whether Policeman Wilson has been stationed in the day time on the dome or cupola?

Answer. Yes, sir; to look after fires. The captain of the police, Captain Dunnington, told me, as I was talking to him upon this subject, and inquiring what disposition he proposed to make of the police, that Mr. Wilson had not yet reported himself, but that when he should, he would put him up on the cupola, or top of the cupola, where they are using more or less fire every day. He always had a watchman to go up there at night to see the fires put out. And he said that when Mr. Kunkel's man reported himself, he would put him up there.

Question. Put two of them up there?

Answer. Yes, sir; that is, to alternate—to relieve each other. And he told me, after Wilson had reported himself, that he was a very nice man, and that he liked him very much. He put him on duty up there because he was the last man that reported himself, and the other men had all been disposed of.

Question. The other men were all occupied somewhere else?

Answer. Yes, sir. I will take occasion to speak of Captain Dunnington in this connexion. I have the most unbounded confidence

in Captain Dunnington; I believe him to be as honorable and pure a man as lives. My intercourse with him has impressed me with the most exalted estimate of his character. I have talked very freely with him—very freely upon this subject. He believes in the legal right of the State to secede. But he does not approve the course of South Carolina and the other States in seceding. But he has told me repeatedly, that whenever he found that he could not discharge his duty faithfully, to preserve order in the Capitol and protect the public property, he would resign his position; that if Virginia should leave the Union he should go home with his family. He has a farm and some negroes in Virginia, and he would cast his destiny with that of his State. That is his feeling upon the subject.

By Mr. DAWES:

Question. Did he intimate at what particular stage of the proceedings he would resign?

Answer. No, sir; he never stated to me.

By Mr. BRANCH:

Question. Have you any reason to think that Captain Dunnington placed the policeman, Mr. Wilson, who was appointed on the recommendation of Mr. Pennington, in that place in order that there might be an opportunity to put gunpowder under the Capitol without his knowing it.

Answer No, sir; My own impression is that he put him there, as he stated to me, because he was the last one who reported himself.

By Mr. DAWES:

Question. Have you any idea that anybody contemplating putting powder under the Capitol would inform you of the arrangements made in order to do it successfully?

Answer. I should think that such information would be a direct imputation upon my loyalty to the government.

Question. Did this captain assure you that he would resign before this thing got so far as to be beyond any control?

Answer. He said he did not know whether Virginia would go out of the Union or not. But he said that if she did go out, he should go with her. He has talked with a number of gentlemen of the House on the republican side.

Question. How many of the police of the Capitol have you reason to suppose entertain sentiments similar to those of the captain?

Answer. I do not know another one who does.

Question. Do you know whether any of them entertain opinions contrary to those expressed by the captain?

Answer. Yes, sir; I know that they all go for the Union—all those that I have spoken to, and I believe all of them do.

Question. Are there any of them that you know besides the captain that believes in the right of secession?

Answer. I do not think there is one of them that believes in it.

Question. Was there any one in charge of this cupola before this Wilson reported himself?

Answer. No, sir; we could not spare one for that purpose, but the men on duty were directed to go up there frequently during the day to see that there was no danger from fire.

Question. Was there any reason to apprehend any assault upon the Capitol at that point?

Answer. Yes, sir; very great apprehensions of the worst kind. There is great danger from fire up there. They are working with iron up there, and use coal fire pretty much all the time.

By Mr. REYNOLDS:

Question. It is all iron there, is it not?

Answer. Yes, sir; but the coals may blow out down upon the part that will burn.

By Mr. BRANCH:

Question. Do you not think the cupola is the most dangerous place about the Capitol?

Answer. I should think it was. I should not like to be in it myself in the event of an attack upon the Capitol with big guns.

By Mr. DAWES:

Question. Is there any arrangement made for increasing the police at the time of counting the votes for President and Vice-President?

Answer. No, sir; I never had the police force increased temporarily before. Heretofore the practice has been for Captain Dunnington, just at the inauguration, to select a number of men for duty on that day.

Question. There has been no conference between you and the presiding officers of Congress in reference to the occasion of counting the votes?

Answer. No, sir; Captain Dunnington and myself have talked about the subject. We intend to have the whole force on duty at one time.

Question. There has been no conference between you and either of the presiding officers in regard to increasing the forces, or making any particular arrangements for preserving the peace on that occasion?

Answer. No, sir; the Speaker said to me on one occasion that we all should be on duty on the day the votes were counted.

Question. That is the force you already have?

Answer. Yes, sir.

Question. Captain Dunnington and all?

Answer. Yes, sir.

By Mr. BRANCH:

Question. You will pardon the question. You are loyal, are you?

Answer. I am

Question. A friend of the Union?

Answer. Yes, sir;

Question. You do not believe in the right of secession?

Answer. No, sir.

Question. And are a strong believer in the wrong of secession?

Answer. I suppose that would necessarily follow.

Question. You have the command of the police?

Answer. Yes, sir.

Question. You believe they will all obey you?

Answer. Yes, sir.

Question. And four of them were appointed upon the recommendations of the Speaker and Vice-President, and two loyal members of Congress?

Answer. I suppose they are; you know them better than I do.

Question. You attend at the President's on the occasions of receptions there, do you not?

Answer. Yes, sir.

Question. You are also captain of this Capitol police?

Answer. Yes, sir; I am at the head of the police.

Question. So that there are, perhaps, few men in Washington who associate as much with the high and mingle as much with the low as you do, and who are in all the intermediate circles of society. Now, have you any reason to believe that there is, on the part of any persons in this District, or out of it, any design to make an attack upon this city between now and the 4th of March, or on the 4th of March?

Answer. I think I answered that question fully at the commencement of this examination. I have not the slightest apprehension of anything of the kind happening. I have talked with government officers upon the subject, with the President and others, and have expressed my opinion fully. They have never stated to me anything that was calculated to change my opinion in regard to it. I thought that inasmuch as such rumors were in circulation, it was well enough to have the troops here. I think that such a thing could not be in contemplation without my hearing something of it in some tangible shape. I have received no such intimation from high or low.

Question. Do you not think that the most of this uneasiness and this apprehension grew out of the monstrous falsehoods written from this city to northern newspapers for correspondence?

Answer. I do not know exactly how to answer that question.

Question. It is strong language, I know; and I do not ask you to adopt my language.

Answer. My impression is that there are a great many idle people here about Washington, who have no particular pursuit, and who hunt up all manner of stories and circulate them, give them to the gentlemen of the press who are here, and they are not over-particular in inquiring into the facts, but use them as they receive them. I do not charge them with originating these stories.

By Mr. COCHRANE:

Question. You spoke about information concerning arms being in the house adjoining Lum Cooper's?

Answer. Yes, sir.

Question. Have you made any further inquiries about them?

Answer. No, sir; I have not. It was only yesterday that I was told about it.

Question. Do you not think it would be worth while to inquire into that, and see whether it be so or not?

Answer. I could inquire. I do not know how far my authority would extend in making any particular investigation outside of the public grounds; but I would suggest to you, gentlemen, that you better summon Captain John H. Goddard, the chief of the city police; he is all about the city, and ought to know what was going on in the city.

JOHN B. BLAKE.

No. 7.

WEDNESDAY, *January* 30, 1861.

GEORGE R. WILSON sworn and examined.

By the CHAIRMAN:

Question. Are you one of the Capitol police?

Answer. Yes, sir; one of the extra police appointed a few days ago.

Question. When did you enter upon the discharge of your duties?

Answer. Last Wednesday.

Question. A week ago to-day.

Answer. Yes, sir.

Question. What particular duty was assigned to you?

Answer. Well, sir, Captain Dunnington assigned to me the duty in the dome. He said that the other watches were full. He asked me if I had any objection to going there, telling me at the same time that I would have no night duty to perform and none on Sundays. It suited me very well, and I was very glad to accept it.

Question. By whom were you appointed?

Answer. My orders came from Commissioner Blake. I was appointed through Mr. Pennington, the Speaker of the House.

By Mr. BRANCH:

Question. On his recommendation, I suppose?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know anything of your own knowledge of the existence of any secret organization here to seize the Capitol, or anything of that kind?

Answer. No, sir; I do not, and I have made some inquiries. And I think if there was such an organization in this city to any extent that I have the means of knowing it.

Question. You know of no such thing?

Answer. No, sir; I do not.

Question. Have you seen anything about the Capitol since you have been here as policeman that leads you to think that it was unsafe?

Answer. No, sir; I have not. I know of but few of the police, some two or three of them. But they have all expressed themselves properly.

Question. You have seen nothing that looked like an attempt on the part of anybody to make any assault upon the Capitol?

Answer. No, sir.

Question. Have you heard anything?

Answer. No, sir; Mr. Blake told me yesterday that if I heard of anything that would lead to suspicion to let him know it at once, which I would certainly do. I wish to say that Commissioner Blake told me yesterday that if my place was disagreeable to me to say so, and he would give me any station about the Capitol. And the reason I desired to come before you was so that it should not be understood that I was the cause of Commissioner Blake coming before the committee. I never made any objection to the position assigned to me, because it suited me very well.

Question. What duties do you have to perform up there?

Answer. To see that there is no fire left there at night; to stay there at dinner time and see that nothing is taken away, and see that no suspicious person goes up on the dome.

Question. To see that the property there is taken care of?

Answer. Yes, sir; there are two of us over there. One is up on the cupola all the time, and the other is in the rotunda, or anywhere he is sent.

Question. Who is the other one?

Answer. His name is Donaldson. He is a stranger to me; I do not know him.

Question. When do you go on duty?

Answer. At 7 o'clock in the morning.

Question. When do you come down?

Answer. After sundown, when all the workmen have left.

Question. We did not subpœna Dr. Blake here because we knew anything against you.

Answer. He said it was intimated that I was put up there against my wishes. And it was supposed that some persons perhaps would bring powder into the Capitol when I was on duty up there, and would not see them.

By Mr. Branch:

Question. Have you heard anything that would raise a suspicion in your mind that there is any design or plot on the part of anybody to blow up the Capitol?

Answer. There was a general rumor about town that the Capitol was to be blown up, and all the black republicans hung up, and so on. Indeed, I was notified the other day, but I paid no attention to it.

Question. Can you mention any one person who told you such a thing was likely to be done?

Answer. Well, sir, it was the general rumor that the Capitol would not stand. I suppose I could name persons, but they were of very little importance.

By the CHAIRMAN:

Question. Drunken rowdies I suppose?
Answer. Yes, sir.

By Mr. BRANCH:

Question. Any person of any responsibility?
Answer. No, sir.
Question. Do you know of any fact?
Answer. No, sir; nothing more than this military organization here in the city, who have meetings occasionally. I do not know what they are, but they are supposed to be hostile to the government.
Question. Have you any facts to lead you to suppose that such is the case?
Answer. No, sir; I have not.
Question. From your acquaintance with the rest of the Capitol police, do you think any of them would be likely to allow powder to be put under the Capitol, and not report it?
Answer. No, sir; I think not. I know but two or three of them. They are all sworn, and I think they would be false to their oaths if they did that. All that I know are strictly the reverse.
Question. They would not permit it?
Answer. No, sir.
Question. You would feel that the republicans were just as safe in the Capitol with you on the dome as if you were in the basement?
Answer. I think so. I was afraid that Commissioner Blake and Captain Dunnington would be under the impression that I circulated this report myself. I never saw Commissioner Blake in my life before yesterday. I was perfectly ignorant of any such thing.

GEO. R. WILSON.

No. 8.

WEDNESDAY, *January* 30, 1861.

JOHN M. TORMEY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In the city of Baltimore, Maryland.
Question. Are you an old resident there?
Answer. I have been residing there permanently since 1855. I am a native of Frederick county, Maryland.
Question. Are you pretty generally acquainted in Baltimore?
Answer. I believe I am.
Question. Are you the clerk of one of the courts there?
Answer. Yes, sir; that is to say, I am court clerk—chief clerk of the circuit court of Baltimore city.
Question. Are you connected with any military organization there?
Answer. I am not, sir.

Question. Do you know, of your own knowledge, whether any organization exists in this city that has for its object any attack upon the Capitol or public property here, in any contingency that may arise?

Answer. I do not.

Question. You have no knowledge upon the subject?

Answer. None whatever.

Question. Have you ever heard rumors to that effect?

Answer. I have heard rumors, but I have no personal knowledge.

Question. Have you ever heard any person say that they knew that there was such an organization?

Answer. No, sir.

Question. Have you ever heard anybody speak of it otherwise than as a mere rumor?

Answer. I have heard persons speak of it simply as a matter of jest and pleasantry, jocularly in conversation.

Question. You never heard anybody say there was such an organization, who spoke of it as a matter of knowledge on his part?

Answer. No, sir.

Question. Did you ever hear any one person assert that any other particular person belonged to such an organization?

Answer. No, sir.

Question. Have you ever heard individuals, without any reference to such an organization, say that anything of that kind was in contemplation?

Answer. No, sir; I have heard individuals in a jocular manner say that they could raise a body of men to come over to Washington to seize the Capitol, but it was a mere matter of pleasantry. I, myself, when the forts were seized at Charleston, remarked in a jocular manner, "Suppose we go down and seize Fort McHenry."

Question. Without any intention of doing it, of course?

Answer. Not at all; mere pleasantry. I know of no secret organization there at all for the purpose of attacking the federal government.

Question. Do you know of any individuals who have threatened to do it, not by means of a secret organization, but in any way?

Answer. I have heard persons, whose names I do not now remember, say in a moment of excitement that the Capitol ought to be taken.

Question. You have heard them say that apparently seriously?

Answer. Well, no, sir; I cannot say that they were serious in what they said

Question. Have you heard much talk that on the contingency happening that Virginia and Maryland should see fit to withdraw from the confederacy, or secede, as the phrase is, some such thing should be done?

Answer. My knowledge is derived merely from my being in the office; members of the bar come in there, and I hear them say that if Virginia secedes, of course Maryland will also; that the action of the State will depend entirely upon the course Virginia may take.

Question. But you never heard any man of respectability, or of any

standing or force in the community, speak of doing this thing in an unlawful way or by means of a secret organization?

Answer. So far as my recollection goes, I do not now remember any; it is of such daily occurrence in the office for parties to speak about the crisis, that I never pretend to bear in my mind all that is said. I believe this, that if an armed body of military from the north undertakes to pass through Maryland, the citizens in a body will undertake to prevent their passage, that is to say, if they undertake to come on to see the inauguration of Mr. Lincoln. I have heard a great many persons, whose names I do not now remember, publicly advocate that.

Question Do you mean to say that there is any well-settled purpose to prevent people coming on here to see Mr. Lincoln inaugurated?

Answer. No, sir; there is nothing of that kind; it is merely a sentiment—the unanimous feeling, or, I cannot say unanimous, but the sentiment of a large body of the people.

Question. That they will not let people come on here to see the inauguration of Mr. Lincoln?

Answer. That is to come through armed; if they undertake to do that, I firmly believe there will be some collision; but there is no organization that I am aware of to prevent their passage.

Question. Has it not been customary for a great many years for military companies to pass through Maryland to attend an inauguration?

Answer. I believe so.

Question. What is it so peculiar about this?

Answer. I suppose the extraordinary character of the times.

Question. More excitement now?

Answer Yes, sir; so far as my own individual opinions are concerned, I do not know that it is proper for me to state them.

Mr. BRANCH thought it was not worth while to go into that matter.

By the CHAIRMAN:

Question. I asked a question to lead to some explanation of the remark you made; I asked if it had not been usual for military companies to pass through your State to attend the inauguration of Presidents heretofore, and you said it had, and then I asked what there was peculiar about this.

Answer. And I answered the question, and I intended to go on and explain.

Question. Any explanation of your answer you can make.

Answer. As we are all aware, the south is somewhat aggrieved at the present time; I believe firmly, honestly, that this matter could be reconciled and peaceably settled by compromises from the north. If they are made, Maryland will be found true and loyal to the Union. I am a Union loving man, and voted for the regular democratic nominee, Stephen A. Douglas. But if these concessions are not made, and that, too, shortly, Maryland will unfortunately be thrown with her sister southern States. I deprecate anything of the kind, but it now rests solely and simply with the north to give the south her constitutional rights.

Mr. REYNOLDS. I do not think it is worth while to take this all down. We hear enough of this every day in the House. We can make no compromise here.

By the CHAIRMAN:

Question. Have you any knowledge of the existence of an organization called the Knights of the Golden Cross, or the Golden Circle, the "K. G. C.," or something of that kind?

Answer. I have not, of late years.

Question. You have no personal knowledge of them?

Answer. I never knew of such an organization.

Question. You do not know where it exists, if it exists at all?

Answer. No, sir. I am afraid that information has been given to the committee by a certain class of citizens in Baltimore who undertake to sustain Governor Hicks. The people in my State emphatically condemn him. I am pretty confident that if there was such an organization I would have heard of it.

Question. You perhaps misunderstood me. I do not know that I ever heard distinctly that any such organization existed in Maryland. I do not know anything about it. The newspapers have represented, for two or three years, that there was such an organization existing in some of the States.

Answer. No, sir; I know of no such organization.

Question. You never had any knowledge that it did really exist anywhere?

Answer. No, sir; I never knew of it. I have heard rumors in Baltimore in reference to some organization here. That is to say, I have seen newspaper reports and heard persons who have seen the papers speak of it. But from personal knowledge I know nothing.

Question. Do you think that the state of feeling is such there in Maryland that it would lead to an outbreak if a military organization should see fit to pass through from the north, if there is no prospect or intention of any collision here; if they were coming on merely to the pageant? Suppose those military companies from the north, or any considerable number of them, should attempt to pass through, for the purpose of attending the inauguration of Mr. Lincoln, when everything was quiet and peaceable here, and likely to be—merely coming here to make a display, as they have in years gone by, not to fight anybody—do you think the people of Maryland would have any objection?

Answer. I am not able to answer that question at present. It would depend entirely upon the minds of the people. If there should happen to be any excitement, no doubt they would prevent their passage. There might probably be two parties, one in favor of their passing through and one opposed to it. They might possibly pass through the city of Baltimore, but I doubt extremely if they could pass through the counties; for, so far as my knowledge extends, the counties are almost a unit. That is my opinion derived from information from prominent men from different sections of the State.

JOHN M. TORMEY.

No. 9.

WEDNESDAY, *January* 30, 1861.

JAMES HICKS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Colesville, Montgomery county, Maryland.

Question. How far is that from here?

Answer. Fifteen miles by the mail route. My post office is understood to be fifteen miles from Washington.

Question. Are you pretty well acquainted in this city?

Answer. I know several families here.

Question. This Colesville you speak of is a mere country seat, I suppose?

Answer. It is the district seat—the precinct of the district.

Question. Who is the representative in Congress from that district?

Answer. Colonel Hughes.

Question. Have you ever heard anything with regard to an organization here, either secret or otherwise, that had for its object the taking of this Capitol, or any of the public buildings here?

Answer. I have not; no, sir.

Question. Never heard of any such thing?

Answer. I have heard it merely rumored that there was such a thing. I have seen the statement in print, I believe.

Question. Have you any knowledge that such an organization does exist?

Answer. None in the world.

Question. Have you any belief that one does exist?

Answer. No, sir; I cannot say that I believe any such thing?

Question. You never believed any of these rumors?

Answer. I cannot say that I have.

Question. Are you a prominent member of a military company?

Answer. I am a lieutenant of one.

Question. In the place where you live?

Answer. Yes, sir.

Question. The regular Maryland militia?

Answer. No, sir; a volunteer company that we are just getting up. We have no arms as yet; we have applied for them.

Question. But have not yet received them?

Answer. No, sir.

Question. Do you know whether any application has been made to any officer of that company by any person or persons to employ that company to either take, or to hold after it should be taken, the city of Washington?

Answer. I can be positive on that question. There has been no such thing asked.

Question. In no shape?

Answer. No, sir. Our company is gotten up merely as a home guard; and we want to ask the governor to allow us to stay

home, if such a thing can be done. There are several of us that are exempt under the militia act, and if they undertook to force us from home, we could very easily remain at home if we chose.

Question. It was gotten up with no sort of reference to any duty in this city, by way of seizing any of the United States property here, the Capitol, arsenal, or any of the department buildings, or holding them against the United States after they should have been seized?

Answer. With no reference to that; we are opposed entirely to coming to Washington at any time. Our ideas were that if it should become necessary, we would go with the south; that if a war should break out between the two portions of our nation, the north and the south, we should certainly side with the south.

Question. As between the two republics, you would prefer the south?

Answer. Yes, sir; decidedly.

Question. You say that no proposition was ever made to any officer of that company to take by force any United States property here or elsewhere?

Answer. No, sir.

Question. Nor to enter into any service unless there should be a state of war?

Answer. No, sir. I think very few persons know anything of our company except ourselves. We have written to Governor Hicks, and also to our lieutenant colonel, for arms. I suppose they are the only persons out of our neighborhood who know it, unless they have told it to some one.

Question. You are a landed proprietor there?

Answer. Yes, sir.

Question. And you have a substantial interest to defend?

Answer. Yes, sir; we want to stay at home. I am postmaster there, and they cannot take me away unless they abolish my office. I think I will stay at home any way. If such a thing is necessary, we will defend our rights. If you could see our constitution you would see at once what our object is. It is in favor of the Crittenden compromise. One of them was sent to our office, and we incorporated it in our constitution.

Question. Are you acquainted with any member of a company in this city called the "National Volunteers?"

Answer. I cannot say that I ever heard of the company at all.

Question. And if there is such a company, you do not know that you know any of them?

Answer. No, sir. I have heard of a company gotten up here by a Mr. Carrington.

Question. There are two or three military companies here, and he is at the head of one of them, I think. Do you know personally Ex-Governor Lowe, of Maryland?

Answer. I do not.

Question. You never saw him?

Answer. I saw him once, I think, at an agricultural fair.

Question. So far as you know, no officer of your company ever had any communication, verbal or written, from him on the subject I have mentioned?

Answer. Not that I know of; and I think if it had been the case I should certainly have known of it.

Question. When did you first start about organizing this company?

Answer. Probably four weeks ago. It was gotten up in what we call short order.

Question. And what you consider mainly for home protection?

Answer. Yes, sir; that was what we wanted. We determined to defend our rights if necessary.

Question. It had no sort of reference to any operations in this city, either present or prospective, on any contingency that might occur?

Answer. It was put to vote if we should come to Washington to parade on the 4th of March, and it was voted down. They seemed to think that there might be some disturbance down here, and we did not want to be in the midst of it

Question. And you did not want to be the means of creating one either?

Answer. No, sir; we wanted to be at home.

Question. Are you an old resident there?

Answer. I have been living there for six years.

Question Who are the officers of this company?

Answer. Mr. Berry is the captain.

Question. You are the lieutenant, you say?

Answer. I am the third lieutenant.

Question. Can you give us a list of the officers in their order?

Answer. Mr. Berry is the captain; first lieutenant, Thomas Nolan; second lieutenant, Oliver Clark; third lieutenant, myself; orderly sergeant, Mr. Graves; ensign, John Bean; pioneer, James Flynn; sergeant, Josiah Harding; and there are eight corporals mixed up in the company somewhere; I cannot tell who they are.

Question. These are all prominent and respectable citizens?

Answer. Yes, sir; they are all freeholders.

Question. Citizens of your neighborhood?

Answer. Yes, sir.

Question. Your company, you say, is organized under some law of Maryland?

Answer. Yes, sir; under the regular militia act.

Question. It is a volunteer company?

Answer. Yes, sir.

Question. Such a one as is authorized by this law?

Answer. Yes, sir.

By Mr. BRANCH:

Question. You say your company is organized with reference to home protection?

Answer. Yes, sir.

Question. I suppose you in your neighborhood, near the border, are very liable to inroads from the non-slaveholding States?

Answer. We expected such. By the way, we have suffered a great deal from it.

Question. They very often come over and attempt to steal your negroes and induce them to run away?

Answer. I cannot say they attempt to steal them ; but they very often run away, and we do not get them.

Question. The people in your neighborhood have very often heard of the invasion of John Brown?

Answer. Yes, sir ; and we were very sorry it was not in our State.

Question. And your company was organized to protect yourselves from inroads from the north or anywhere else?

Answer. Yes, sir.

By Mr. Dawes:

Question. What inroads did you anticipate?

Answer. Well, sir, we expected nothing more than if such a thing as coercion of the south was decided upon, and a war arises between the north and south, Maryland would be the battle ground.

Question. And you were making arrangements to be prepared for such a thing?

Answer. Yes, sir.

Question. And those were the rights you were to defend, which you alluded to?

Answer. Yes, sir.

Question. How far are you from the border free States?

Answer. We are about eight miles from the District line.

Question. How far are you from the Pennsylvania line?

Answer. I do not know ; I have no idea.

Question. You have no idea how far you are from the free States?

Answer. No, sir.

Question. Since you have been living there has there been any incursion from the free States?

Answer. We attribute it to the free States ; we do not know who did it; our slaves have run away and we have not got them. We do not know where it came from.

Question. Or what made them run away?

Answer. We supposed it was to get their liberty ; that they wanted to be free.

Question. You have suffered from nothing else?

Answer. No, sir.

Question. Except that your slaves have run away and you could not get them?

Answer. That is all.

Question. Have you ever heard from them?

Answer. We have heard that they were in Canada. We do not know how they got there, except by the underground railroad.

Question. Was your company organized for any other purpose than that you supposed that in case of secession Maryland and Washington would be the battle ground?

Answer. We supposed so.

Question. Did you organize for any other purpose?

Answer. To protect ourselves only.

Question. In that emergency?

Answer. Yes, sir ; nothing else.

Question. Of how many does your company now consist?

Answer. We have now forty-eight members.

Question. Do you have meetings?

Answer. Yes, sir.

Question. Where are they held?

Answer. This evening it will be held at my house, in Colesville.

Question. Where have they been held before?

Answer. They are held there generally. They have been held at different times at Mr. Graves's, and sometimes at the Cross Roads.

Question. How often do you meet?

Answer. Once a week now; I think we shall meet oftener hereafter.

Question. For what purpose do you meet?

Answer. We want to make ourselves as proficient as possible in drill; we were all raw in that.

Question. It is your purpose in case of secession to join the south?

Answer. If there is a war, we will go with the south; that is our intention.

Question. What is your business?

Answer. I am in a little of everything; storekeeper, postmaster, hotel-keeper, farmer—almost anything you can start away from home.

Question. How many slaves do you own?

Answer. We have four in the family.

Question Did you ever lose any?

Answer. No, sir, not that I recollect of; my grandmother has lost them frequently heretofore.

Question. You never knew of anybody from the free States ever coming in there?

Answer. No, sir.

Question. You believe in the right of secession?

Answer. Well, sir, I believe the south has a perfect right to do as they are doing, unless we can get the Crittenden compromise. We would all be very glad to get that.

Question. On whose suggestion was this company got up?

Answer. I think it originated with Dr. Berry himself, the captain.

Question. What measures were taken to get it up?

Answer. We put up notices at different points, requesting the citizens of the district to meet at a certain place, on a given day, for the purpose of forming a military association.

Question. Did you pass any resolutions?

Answer. We passed those resolutions of Mr. Crittenden's.

Question. Any others?

Answer. No, sir; merely the by-laws for the company.

Question. Have you the by-laws here?

Answer. I have not. I can send for a copy if you wish. They are merely regulations for the members.

Question. Have you passed any resolutions touching political matters?

Answer. No, sir. Our first resolution was one making ourselves liable to the call of Governor Hicks, of Maryland, under the militia act regulating volunteer companies.

By Mr. BRANCH:

Question. Is Governor Hicks a secessionist?

Answer. Well, sir, it is hard to tell what he is; it is hard to define his position.

Question. Is he regarded in your neighborhood, and by the members of your company, as being a disunionist?

Answer. No, sir, not at all; just the other way.

Question. At the time you put yourself under his command you knew he was a Union man?

Answer. Yes, sir; we preferred the Union, if we could get our rights under the Constitution. That is all that we ask for.

Question. But if you cannot get them, and war comes, you are with your section?

Answer. Yes, sir.

Question. You are armed and equipped for that purpose?

Answer. We would like to get our arms as soon as possible; we have not got them yet.

By the CHAIRMAN:

Question. You would follow Maryland wherever she went?

Answer. Yes, sir; provided she did not go with the north. We could not follow Maryland there, because we would have to leave Maryland. We could not stay there, and it would be necessary for us to go where we could live.

By Mr. DAWES:

Question. What difficulty would you encounter in staying in Maryland under those circumstances?

Answer. We expect an increase of slave property, and of course we could not hold it in a northern State.

Question. You said if Maryland went with the north, you would have to leave Maryland; on what account?

Mr. BRANCH said he objected to asking the witness his reasons for his political opinions.

Mr. DAWES. You asked him if he would go with the south in case of secession, and he said he would; and I want to know why he would not go with the north if Maryland remained with the north.

Mr. BRANCH. I did not ask the witness that question. I had understood him to say that if Maryland or the south seceded, he would go with the south; and I only repeated the answer he had given in order to see if I had understood him correctly.

The CHAIRMAN. The witness has said that they expect an increase of slave property, and if Maryland went with the north he could not hold it.

The WITNESS. Yes, sir; that is what I said.

The question was not pressed.

By Mr. DAWES:

Question. Do you know of any other companies lately formed in Maryland?

Answer. There are two at Rockville ; one under Richard J. Bowie, and one under William S. Bouic.

Question. Infantry or cavalry ?

Answer. One is infantry, Mr. Bouic's company ; the other is cavalry, I believe.

Question. How far is that from you ?

Answer. Some eight miles.

Question. How far is it from Washington ?

Answer. Only twelve miles.

Question. How large companies are they ?

Answer. Full companies.

Question. What constitutes a full company ?

Answer. Thirty-two infantry, besides the officers.

Question. Do you know how lately they have been formed ?

Answer. Since this southern question has been agitated.

Question. Have they got their arms ?

Answer. Mr. Bouic's company has. I do not know about the cavalry.

Question. Do you know whether they hold meetings for drill ?

Answer. I do not know.

Question. Do you know the purposes of their organization ?

Answer. I do not.

Question. Do you know whether they hold similar views of their duty with your company ?

Answer. I suppose so ; they organized about the same time.

Question. Do you know of any other company formed ?

Answer. There is one at Brookville.

Question. How far is that from you ?

Answer. Seven miles ; and twenty-one from Washington.

Question. Have they got their arms ?

Answer. They have.

Question. When did they organize ?

Answer. They have organized within the past three months.

By the CHAIRMAN :

Question. Did these companies get their arms from Governor Hicks ?

Answer. Yes, sir.

Question. Under the regular militia laws ?

Answer. Yes, sir.

By Mr. DAWES :

Question. Do you know for what purpose they are organized ?

Answer. Merely for show, I should suppose. They have a flashy uniform, and look as though they went in for something nice.

Question. Do you know whether their ideas of duty are the same as yours ?

Answer. I do not

Question. Do you know who is their commander ?

Answer. I do not.

Question. Are these all the companies you know of ?

Answer. All that are in our county.

Question. Do you know of any in any of the other counties?

Answer. There is one in Prince George's county, under Captain Snowden.

Question. How far is that from here?

Answer. About four miles and a half.

Question. Do you know of any other companies in any other part of the State?

Answer. No, sir; I have heard of others, but I know nothing of them.

Question. In what parts of the State are those that you have heard of?

Answer. I have heard of a Planter's Guard in Marlborough, gotten up upon the same principles as ours.

Question. How far is that from this city?

Answer Sixteen miles.

Question. Do you know of any other companies formed?

Answer. No, sir.

By Mr. BRANCH:

Question. You say you have heard of other companies?

Answer. Yes, sir; this "Planter's Guard;" that is all.

Question. Have you or not heard of large numbers of armed soldiers being embodied in the north and offering their services in connexion with these sectional troubles?

Answer. I cannot say that I have.

Question. Have you not read of that in the newspapers?

Answer. I have read of this "Planter's Guard" offering their services to South Carolina.

Question. I mean in the north.

Answer. If I have I do not now remember it.

Question. Have you read in the newspapers of General Sanford, of New York, offering the services of 80,000 men in connexion with these sectional troubles?

Answer. I do not remember that I have.

JAMES HICKS, JR.

No. 10.

WEDNESDAY, *January* 30, 1861.

JOHN B. CLARK sworn and examined.

By the CHAIRMAN:

Question. Has, at any time, any person or persons communicated to you any intentions that they had to seize the Capitol or any other public property here?

Answer. No, sir.

Question. Has any person or persons, representing themselves to be a committee, or anything of the kind, ever communicated to you an intention to hold by force any public property here after it should have been seized?

Answer. My answer to that would be, in the first place, "No;" but I will connect with it an explanation. Gentlemen, whose names I cannot now give, for the reason that I do not remember them, have conversed with me, in general speculative conversations, in reference to the question of secession, the effect of secession, and the rights that would accrue after secession to the States that had seceded; and, collaterally, the effect of that movement upon the Capitol and the public property in other States.

Question. The effect of secession after it had taken place?

Answer. Yes, sir; and then what would be the interests of the slave States—I might say their duty—in co-operating to maintain the jurisdiction they might assert. I have had conversations with gentlemen—I cannot now say with whom—but they have been frequent; not in reference particularly to the Capitol, more than upon other public property, including forts and arsenals; the same that we are discussing in the House. I have had opinions expressed to me, and I have expressed opinions myself, without any reference to any particular species of property.

Question. Where do you board here?

Answer. At Brown's Hotel.

Question. Will you state whether you were called upon recently by Ex-Governor Lowe, of Maryland, and some other persons from Maryland, at your room in Brown's Hotel, who stated anything on this subject to you there?

Answer. A number of gentlemen from Maryland had a conversation with me. I am at fault in regard to their names; I do not remember them. But they were introduced to me as some gentlemen of distinction. I was not called upon; it was rather a casual meeting. The call was one rather for acquaintance, I understood. It was at my room, and we talked of various subjects. The person you speak of as governor may have been there. It seems to me there was a person called governor there, or some one who bore that title. I cannot say that he was a citizen of Maryland; but there were a number of citizens of Maryland there. I was introduced to all of them, but I cannot give the name of a single one of them now. They were all strangers to me. Mr. Stewart, member of Congress from Maryland, introduced them to me. We met accidentally at the head of the stairway as they were about passing down the stairs; and as my room was right at the head of the stairs, after I was introduced to a number of them I invited them into my room. My mind recurs to that interview now as the only one I had with more than one person at a time from Maryland.

Question. Did they represent themselves as being a committee here from Maryland?

Answer. No, sir; I do not think they did.

Question. How many were there of them altogether?

Answer. I cannot tell; there was a number of them.

Question. A half a dozen of them?

Answer. I think there were a half a dozen; I cannot state positively.

Question. You would think there were as many as a half a dozen, or more of them?

Answer. I should think there were a half a dozen.

Question. I mean from Maryland.

Answer. My impression is now—and it is only an impression—that they were all from Maryland. I will not be positive about that, for I attached not much importance to the conversation; it was more social than otherwise.

Question. After they had entered your room, did they request you to lock your door, as having something secret to communicate?

Answer. No, sir; nothing of the sort.

Question. Nothing inconsistent with its being an accidental meeting?

Answer. Nothing in the world.

Question. Accidental on their part as well as on yours?

Answer. I presume it was; I know nothing to the contrary; I have given you the way we met.

Question. Was anything said there as to any design or wish they had to take the city of Washington, in case of the secession of Maryland?

Answer. Well, I cannot tell. I did not understand that. We talked of what the effect of the secession of Maryland would be upon the District of Columbia.

Question. The effect upon legal rights?

Answer. What would be the legal consequences of secession, embracing the property of the District; that was talked about in the course of the conversation.

Question. Can you refresh your memory, so as to state whether this ex-governor was Governor Lowe or not?

Answer. I cannot. I do not think I could give the name of a single gentleman there, except Mr. Stewart.

Question. Was anything said either about seizing or holding the public property here in Washington, in case of secession—holding it by force?

Answer. I cannot repeat what was said.

Question. Go on to state it in your own language, if you please.

Answer. The question of the disruption of the confederacy was the subject of the conversation—the propriety or impropriety of the secession movement. The legal right of secession was discussed. I may as well say, however, that there was a difference of opinion upon that subject between some of the gentlemen present and myself. I cannot tell what was said, but the consitutional right of secession was discussed, and the probability of the federal government applying force upon the seceding States, in case of secession, was discussed, and opinions *pro* and *con* were expressed upon that subject. The effect of secession upon the District of Columbia, and the public property here, was discussed; and, in the event of Maryland seceding, and the other border slave States seceding, the propriety of negotiating for this District and the public property here, and the resisting any force to prevent that negotiation, were also discussed. I do not say they were discussed at length, but they were named in the conversation, without

any form or ceremony; but these points were referred to in the course of the conversation. And in that connexion the question was raised, or it was adverted to, as to what, in case Maryland seceded, and (the public property being in this District) the federal government should apply force upon the seceding States—what would be the effect upon the Capitol and the public property here, and what, in that contingency, would be the duty of the seceding States? That matter was discussed; and I believe that includes all the topics of conversation that we had. It had no system, and I understood no particular purpose in it. I did not regard it as anything further than an effusion of the sentiment that was then rife through the city here.

There were gentlemen from Maryland who seemed to enter largely into the consideration of these questions. I gave my opinion unreservedly upon all of them. My opinions are no secret, and I can give them to the committee, if they desire it. I told these gentlemen that I did not believe that the constitutional right of secession existed. I told them that my opinion was, that while a State was in the Union she was bound to obey its laws; that my policy was that all the slave States should co-operate together, to act together in any movement that was deemed indispensable for their equality and safety; and I told them that when that was done, and it became necessary, in the judgment of the border States, to secede from the government, I would use my influence to make as large contributions to resist force, if it was applied, as my State could furnish.

Question. As you did not believe in the constitutional right of secession, it would then become a question of revolution, acknowledged on all hands?

Answer. That is all. My purpose was this: to inform those gentlemen that I was in favor of resisting force, and that I would make common cause, so far as I was concerned, whatever my opinions might be about the legal right of secession. If the southern States seceded in a body, or whether they did or not, I would not willingly permit force to be applied to a seceding State; and I would use my influence in my State to resist it at all hazards. I am not quoting my remarks, but that was the purport of the conversation.

Question. When they met you in the hall did they state that they wanted to see you particularly?

Answer. I cannot now repeat what was said. I regarded it merely as an honorable call. I met Judge Stewart—they were his friends, as I understood—and he introduced me to them, and remarked to them that I was a member of Congress from Missouri, and to me that they were from Maryland. Some remark was made about these being stirring times; I do not know who made it; and I asked the question what Maryland was going to do. I think I made that remark, because I often ask the question. My room door was close at hand, and I invited them all into my room; and they all came in there and spent a few minutes. I do not think they were in there more than twenty minutes, but I will not say exactly the time. Some gentlemen may have said that they wanted to see me; perhaps they did; but if they did, I regarded it as a mere compliment. I will state this to the committee: No one of the gentlemen present, I am certain, intimated

any disposition to attack the Capitol, or take it by force; and the question of force and of contributions was only to resist an attack, in case of the secession of Maryland.

By Mr. DAWES:

Question. An attack upon what?

Answer. The conversation was about the effect the secession of Maryland would have upon the public property within the bounds of the State of Maryland.

Question. Did it extend to contributing forces to aid Maryland in asserting her rights to the public property if the United States should claim and defend it?

Answer. In case of secession, the right to the public property in Maryland and the other States.

Question. In the District of Columbia, I mean.

Answer. Presuming that in case of secession the District of Columbia would go back to Maryland.

Question. In the event of Maryland seceding and asserting her right to the public property here, did the contributions of force you speak of contemplate aiding Maryland in asserting that right against the United States?

Answer. Not particularly as to the Capitol. The Capitol was included with the other public property. I think some other public property was named.

Question. Then you mean to say that it was contemplated there, and you assured them that you would use your influence to furnish from Missouri her full share of force to aid Maryland, if the United States should resist her in asserting her rights to the public property within this District?

Answer. No, sir; that was not it. The question was about different States seceding. And it came up as to the relation of Maryland and the other border slave States to the free States, and about the public property. We discussed the question about the public property at Charleston—at least it was named; I do not know that it was discussed. And the question came to this: in case Maryland seceded, there was so much of the public property within the bounds of Maryland the United States might be stimulated to apply force here at this point to force her back into the Union, or, as it was used, to force her to submit to the authority of the United States, as there was so much of the public property of the United States within her borders. And the question was whether in that contingency, in case Maryland seceded, she should expect to give up and submit.

Question. Without any regard to the right of secession, or to the United States agreeing to let her secede, did they request you, or did you assure them that you would use your influence in Missouri, to get Missouri to aid the State of Maryland in any attempt to take the public property here as against the United States?

Answer. No, sir.

Question. If the United States limited her attempt at force to the protection of her property in the District of Columbia, was it contemplated in that conversation to resist her in that?

Answer. There was no application made except to repel any force brought against Maryland in case she seceded, and the exercise of dominion by force over public property within her jurisdiction.

Question. If the United States attempted to exercise jurisdiction over the public property that lies within the District of Columbia?

Answer. No, sir; the Capitol was expressly excluded; I recollect that Judge Stewart remarked in that conversation—and I do not know that any other gentleman spoke—in answer to the question, where Congress should sit in case Maryland seceded—I think I asked that question—and it was remarked that, as a matter of course, if the federal government saw proper to occupy the Capitol, and would let the authorities of Maryland alone, there would be no collision.

Question. That is the very point I wanted to get at, whether, if the United States contented herself with exercising jurisdiction over property within this District, it was contemplated to interfere?

Answer. No, sir, not at all; I will tell you why I think it was so. I remember a remark I made as they left the room. I addressed no one in particular, but I remarked: "Gentlemen, you must remember that while we form part of the United States we never will break the laws of the United States; but while I say that, whenever the United States undertakes to subjugate a sister State who sees proper either to rebel or secede, why, make your draft upon Missouri, gentlemen, and your draft will be honored." That is all I said; I recollect that now; I apprehend that was about the substance of what was said

Question. What I wanted was just this: if any collision with the United States was contemplated if the United States persisted in holding on to her jurisdiction over this District?

Answer. I think it was right the reverse, unless force was used to subjugate a State.

Question. Force outside of the District?

Answer. Yes, sir. This was said too: if Maryland seceded, there was something said about negotiations for the Capitol. Judge Stewart remarked that he despised this snatch game of taking the public property; that if they seceded, the right way was to pay for the property like honorable men. However, it was a desultory conversation.

By the CHAIRMAN:

Question. No one of these gentlemen gave you to understand that they were a committee representing anybody?

Answer No, sir. The word "committee" might have been used, but I do not now remember. Perhaps I might have used the word "committee," but I do not remember now. But I did not understand that they were appointed by any public meeting, or by any legal authority.

Question. The precise point in this: whether these gentlemen that met you there said or did anything that implied that they represented anybody formally or informally, except merely themselves, or whether they were the representatives of any public meeting or organization in Maryland?

Answer. Perhaps my answer ought to be that they did not. There

was this remark made some how or other in the conversation: that there had been some public meeting somewhere in Maryland, and the name of the place was alluded to, I think; but I was not familiar with the name, and do not now remember it. I do not believe they were deputed to call especially upon any one. I am sure they were not deputed especially to call upon me.

Something has been said about the door being locked. The door of my room was locked, and I will explain about that. My room is at the head of the stairs, and is small, and these gentlemen about filled it. At that particular time the porters or servants about the hotel were delivering a lot of documents at my room, and while we were in conversation, they were rather troublesome in knocking at the door and coming in so much. So I just got up and locked the door on that account. Nobody asked me to do it, and I did not lock it to keep anybody out of the room, except as stated

Question. You locked it merely for your own convenience?

Answer. Yes, sir; that was all. I do not know that any gentleman present knew that it was locked. I do not remember whether I remarked upon it or not. But there was no design in it at all.

Question. You say you cannot recollect the names of any of these gentlemen?

Answer. I do not. I think one was introduced to me as governor; but that is a mere impression. I am very sure that I never before saw any of the gentlemen except one, who told me that he had been introduced to me when I was in Baltimore last summer at the convention. I have forgotten his name now.

Question. Did they state the object they had in view in coming to this city?

Answer. No, sir; but they stated this, or I learned it in course of the conversation: They were in the city to ascertain as well as they could, to use the expression of one of the gentlemen, "what the devil was going to become of the country;" that the whole world seemed to be in a flame, and they came here to learn what was going on. I cannot say how that came in, but I recollect it was said by some of the gentlemen present. I think it was in answer to my question as to what Maryland was going to do, and I think I got the answer in that way: that they had come here to see what was going on.

Question. Was anything said there, or anything like it, about preventing, by force, the inauguration of Mr. Lincoln?

Answer. Yes, sir; something was said, in speaking of the organizations about the country, that they had heard that some such thing was meditated, and that movement was denounced.

Question. Denounced them?

Answer. Yes, sir, as not existing in the mind of anybody, unless it was some—I forget what term was used, some term peculiar to the rowdies of Baltimore—unless it was some rabble, and they did not know that even that was the case.

Question. No one there expressed any approbation of such a scheme?

Answer. No, sir; they all laughed at it; I laughed at it. I told them that I had heard so, too; and I told them, I think, that the President had prepared a message about it to send to Congress, or something

like it. They all laughed at it as some old woman's story that had got afloat; and all said that there was no such design, unless the State should secede in the meantime, and civil war should break out, and an attempt should be made to subjugate the State, and then nobody could tell what the result would be. I do not know positively that even that was said then, but it is very often said in conversation.

Question. You had no knowledge that these gentlemen were going to call upon you before you met them?

Answer. No, sir; not until I met them at the stairs. I met them all together; Judge Stewart was a little in advance. I had had a conversation at the dinner-table, half an hour before, with another gentleman, an acquaintance from Maryland. He remarked to me that there were a number of gentlemen from Maryland then in the city. I think his name is Johnson. He had been a delegate to the convention at Charleston. We were talking about our troubles at Charleston and also at Baltimore. We had not met afterwards until we dined together then. We differed somewhat in our views and action at the convention, and we were recounting our differences and connecting them with the result of things in the country. We were both remarking about the excited state of the country, and he said that there were then in this city a number of gentlemen from Maryland. I met them afterwards at the head of the stairs, and invited the whole of them into my room. I recollect that immediately after they left, I met a gentleman or two and told them what had been said.

Question. Has any other person or persons, at any time, ever expressed to you the idea that they were engaged in efforts to make any seizure of the Capitol?

Answer. No, sir, not that they were so engaged.

Question. Or that anybody was?

Answer. Well, no. I met some ladies, and they asked me if I thought there would be any war—one or two old women, but no men; and I was sent for last night, and asked if it was safe for women to stay here.

By the CHAIRMAN:

Question. Now, to bring this thing right to the point as much as we can: Of course, you have read the rumors and reports in the papers that gave rise to this inquiry. Have you any knowledge of anything that would lead you to believe that there was any foundation in fact for these rumors?

Answer. I do not believe there is a particle; that is the extent of my judgment.

Question. Do you know any fact that would go to establish the existence of any such purpose, or design, or organization?

Answer. I do not; and I do not believe any such thing. If you want my opinion, and I have expressed it on several occasions, I have told my friends that I did not believe there was any danger of collision here, unless there was some great display by the troops here pressing upon the masses that always come about on such occasions. I thought that the display of troops here, and the building of batteries and stabling for the horses, and making a great display, was all

wrong; and with great respect for the President, I have thought all the time that he was committing a great error in this thing. That is what I have said, and that is my honest idea about it.

Question. Has any one ever told you there was such a scheme?

Answer. I cannot say; perhaps somebody has.

Question. I do not refer to rumors. Has any one told you that as though he had knowledge of it?

Answer. I cannot now remember any one who spoke of it as having knowledge of it. I have heard it speculated upon on some occasions. I do not now remember the name of any one. There has been so much talk about this thing that I have paid very little attention to it. I have not attached much importance to it, and have not tried to treasure it up. If I should hear some name, it might direct my attention to some conversation.

Question. I understood you to say that you thought there were about a half a dozen of these gentlemen who were in your room?

Answer. I think so; that is my impression.

Question. Did this friend that dined with you shortly before state to you what he understood to be their business here?

Answer. No, sir. I cannot tell you now in what connexion exactly that he referred to them. It was in connexion with the general excitement of the country that he said there were a number of gentlemen here from Maryland. I think I asked whether Maryland would have an extra session of their legislature. How the conversation was continued, I do not now remember; but it was in that connexion that he spoke of a number of gentlemen from Maryland then in the city. There was no purpose avowed which I now remember. I inquired about certain gentlemen in Maryland, none of whom were in that company.

Question. Do you know whether these Maryland gentlemen called upon any other members of Congress, at that time, in connexion with this business?

Answer. I do not know. I may have been in some other room, and seen some of these gentlemen there, but I do not now remember it. I do not know whether they did or not.

Question. Do you know whether any or all of them had interviews with other members of Congress upon this subject of coercion?

Answer. I do not know.

Question. You do not know of your own knowledge?

Answer. No, sir.

Question. Have you ever heard it said that they did?

Answer. No, sir, I have not. I will say this, that they had the appearance of just having left Judge Stewart's room; he was with them at the time. They were entire strangers to me. I never saw them before or since to know them. They were introduced to me as men of distinction from Maryland.

Question. Did they make any statement then in your room touching the amount and kind of assistance that they should get in case of trouble from sources outside of Maryland; that is, if that state of things should arise in which you said Missouri would honor their draft?

Answer. I do not now remember.

Question. Did they state what their expectations were in getting help from other States than Maryland?

Answer. Well, sir, I understood that in case they seceded, and there was an attempt by the federal government to subjugate them, they would expect all the slave States to help them. I use the word "help" now; I do not know what word they used. The whole conversation was hypothetical; it was based upon the idea of force used upon them by the general government in case they seceded. And I will say here that most of the gentlemen appeared to be opposed to secession The whole of the conversation, my part of it also, was hypothetical, upon the supposition that when the State seceded, if the federal government undertook to subjugate them, or, indeed, any seceding State, the other slave States, whether they thought the State had done right or wrong, should not let that be done if they could furnish means to prevent it. That was what I said, and that was what I understood to be the idea of all of them. I made the remark, I believe, that we of Missouri were opposed to the idea of the constitutional right of secession, and that we thought South Carolina had acted precipitately. And I illustrated my idea in this way: that if we had brothers, and we knew that they were going to be attacked, we would not let them be whipped, even if they were in the wrong; and so with the south.

Question. If I understood you aright, you do not think that they stated how much force they could rely upon outside of Maryland?

Answer. I do not think they did. We might have assessed the States; but I do not think we did that. It was a mere speculative conversation, and I do not rely upon recollecting it well at all.

Question. Did they make any statement as to how much force they could raise in Maryland in case they were put to it?

Answer. It may be that I asked the question, and I think there was some answer to it, but I do not now remember. I think I asked them this question: "If you do secede, and a fight comes on, what can you do yourselves?" I reckon I asked that question; it would have been natural for me to have done so; and if I did, I got an answer, but I do not now remember what it was.

Question. Did they tell you in plain terms that they would wish aid from Missouri? Is that what prompted your remark that Missouri would honor their draft?

Answer. I think that may have been a little forwardness in me, a sort of bragging upon the chivalry of my State.

Question. Did they say anything about wishing aid from Missouri to capture the Capitol of the United States, or any other public property in the District of Columbia?

Answer. No, sir. The word "Capitol" was used in the course of the conversation, and it came up in this way, if I recollect it aright now: It was, that if they seceded, and a civil war broke out, and force was attempted to be applied to subjugate the State, then, when that war commenced, the Capitol and everything else would be subject to the stronger power. I do not now remember how it came up. But it was a mere speculative conversation about the result of a war.

Question. Then nothing was said by them expressive of a wish that Missouri should furnish any aid to take the Capitol until there should be war?

Answer. I do not think there was any wish to take the Capitol at all.

Question. And nothing expressive of a wish that Missouri should furnish aid for such a purpose?

Answer. I am sure I did not make any proposition to contribute men to take the Capitol. There was a conversation between myself and Judge Stewart, which I regarded as merely playful. I said: "Judge, when you secede, what are you going to do with the Capitol? Is it to be rented out, or who is to have it?" The judge said that if all the slave States should secede, and the northern States remained as the federal government, and were willing to occupy the Capitol within their jurisdiction, so far as he was concerned they were welcome to do it. And then we talked about the result of things in case of force being applied to a seceding State. The whole thing resolved itself into this. I esteemed that whole interview, in the first place, as not a formal call upon me, but it was just as I have described it. The gentlemen there, including Judge Stewart, had for their purpose to deliberate in reference to the action of Maryland. They viewed the peculiar location and position of Maryland as more hazardous than that of any other State. That is all about it. And one of them gave that as a reason why she should be more deliberate and more circumspect, because there was more dependent upon her action. All parties agreed that in case it became necessary, in the opinion of Maryland, to secede, and the federal government undertook to subjugate her, she would resist to the bitter end, and in that event she would desire help, and wanted to know what assistance she could get from her sister States. That was the whole drift of the conversation; and it was interlarded with the dangers attending the matter, so as to lead me to believe that these gentlemen were meditating upon the subject.

Question. Did these gentlemen state that in case Maryland seceded she would claim jurisdiction of the District here, in any sense different from what she would of the Capitol, for instance, or any other piece of property of the United States here?

Answer It seemed to be accorded that in case Maryland seceded the District would revert to the jurisdiction of Maryland. I do not know who made the remark, but that seemed to be the acknowledged idea.

Question. With more certainty than it would in regard to the Capitol, for instance?

Answer. That the jurisdiction of what had been ceded by Maryland would return to her.

By Mr. DAWES:

Question. Did they intimate that they would assert that jurisdiction over the District by force?

Answer. Not unless there was an attempt to subjugate her.

Question. If the United States attempted to exercise jurisdiction over the District?

Answer. I do not know that the Capitol was designated.

Question. But they would assert by force, if necessary, the jurisdiction that they would regain over the district?

Answer. I do not know as that was spoken of at all. I know this: the question was named in the conversation, whether the District would retrocede back to Maryland; and some opinion was expressed upon that subject. I do not think there was any specific conversation about asserting jurisdiction over the District any more than any other place in Maryland.

Question. Did these gentlemen name any particular amount of aid that they expected to get from Virginia?

Answer. I cannot say. Virginia was named, and, as I remarked, we might have assessed the different States, but I am not now impressed with any distinct recollection about it. I know Virginia was named in the course of conversation, but in what connexion I really now cannot tell. My idea was this: the reason I used the word "draft" was this: I had endeavored to present to these gentlemen the idea that I have never failed to try to present, when it was prudent for me to talk at all among gentlemen of character, that Missouri, while she was a border State and had a homogeneous interest with the other slave States, wanted this thing done right, and that if we had to be driven to the desperate alternative of withdrawal, we ought to co-operate and do the thing right; and that, in my judgment, the slave States ought to have co-operated and consulted together, and if their grievances were too great to be borne, then we ought to have gone in a body. Yet, notwithstanding that my views had not been adopted, and some of the States had gone hastily and, as I thought, precipitately, still, as they were resenting wrongs that we all endured, I would not give my consent to have them subjugated, although they resented their wrongs at a wrong time and in a wrong manner. I said to them—"Now, gentlemen, that is our *status*—that is our position; if you secede and the United States undertakes to subjugate you, make your draft and we will respond." I reckon that is what I said. I always talk that way, and I think I did then.

By the CHAIRMAN:

Question. Do you know whether these gentlemen called upon and had an interview with any of your colleagues?

Answer. I do not remember now of hearing of it. I do not know any such thing. I do not know that I have ever heard it. I do not now remember anything about it. I am very sure I was not with any of my colleagues when they were present.

Question. And you do not know that you ever heard of their doing so?

Answer. No, sir; and I will not be responsible for the entire accuracy of much that I have stated here, for I did not burden my mind very much with it, no more than I have with a hundred other things I have heard.

Question. Have you ever had any interview with Dr. Garnett, of this city? Has he ever called upon you upon this subject? or, I might first ask, do you know Dr. Garnett?

Answer. I do know him slightly.

Question. Has he ever talked with you upon this subject of seizing the Capitol, or of a secret organization?

Answer. No, sir. I am not very sure whether Dr. Garnett called upon me more than once, and then to visit me professionally when I was indisposed. Perhaps he called upon one other occasion.

Question. How long ago was it that these gentlemen from Maryland were here?

Answer. Several weeks ago; it was the same evening that I met Mr. Johnson, and I have met him but once; I think it was during the Christmas holidays.

Question. Do you know Ex-Governor Lowe, of Maryland?

Answer. I do not, unless he was one of the gentlemen introduced to me on that occasion. I did not know him before, and I doubtless should not recognize one of the company now if I were to meet any of them on the street.

Question. You do not recollect whether they named the amount of force that Virginia would contribute?

Answer. No, sir; I do not remember in what connexion Virginia was mentioned. I remember that the name of Virginia was mentioned; not how or in what connexion it was mentioned.

JOHN B. CLARK.

No. 11.

THURSDAY, *January* 31, 1861.

WINFIELD SCOTT sworn and examined.

By Mr. BRANCH:

Question. As you have been informed, general, the duty imposed upon this committee by the House is to inquire and report to the House whether any organization or conspiracy exists here or hereabouts, having in view an attack upon the government or property of the government in this city, and I will leave it to you to state in your own way whether you have any knowledge or information of any such organization.

Answer. I have no direct personal knowledge upon the subject, but I have received innumerable letters from, probably, thirteen to sixteen States, three and four, and up to seven, a day, since it was known that I had been charged by the President with the peace and security of this city. These letters are more or less specific. I think that at least one-half of them were anonymous, and where the name is given the writer, in many cases, entreats me to suppress the name. And in several instances, when I have laid these letters before the Secretary of War, as often as his leisure permitted, I have cut the names out and put them into the bottom of my pocket, showing the names to the Secretary where he wished to have them. This I did lest through some inadvertence or accident the letters might be exposed.

These letters speak of several objects. I have some of them in my pocket, which I received this morning; and I have an abstract of one which was received yesterday, which points to two or three objects: the seizure of this Capitol, and, as a part of the same object, to seize the other public buildings of this city; next to the seizure of the public buildings these letters represent the purpose to be to prevent the counting of the ballots for President and Vice-President, which comes off towards the middle of next month; the third object is to prevent the inauguration of the President and Vice-President at the usual period. These letters, from the broad surface whence they come, either prove or seem to indicate a conspiracy for one of two purposes at least; a conspiracy to create a false alarm, with many ramifications; from the city of New York, from Virginia, from South Carolina, from three or four points in Missouri, besides very many letters from the cotton States, one or two from Cincinnati, and several from New Jersey. Whether there be a real name attached to them, or whether the letters be anonymous, they all speak of an extensive conspiracy for mischief. Some sort of conspiracy undoubtedly exists, either for mischief or creating a false alarm. I have a few of these letters received this morning, and I chance to have one received yesterday. But I have had innumerable such letters in the last three or four weeks.

Question. You say a portion of these letters were anonymous and a portion have names signed to them?

Answer. Yes, sir.

Question. Is there any portion of them signed by names of persons known to you to be respectable and responsible persons?

Answer. I cannot say that I am acquainted with the character of any one of the writers, I mean of those who profess to convey specific intelligence. At this moment I cannot recall a single name that is personally known to me. Here are specimens [showing letters] of such as I have received; and here is an abstract of one I received yesterday, which letter I handed to the Secretary of War, and by some chance have this abstract with me.

The abstract was read as follows:

"*Rumored perils to the Capitol.*

"*January* 29, 1861.

"A. H., of New York, writes this second letter to say the secession leaders think that secession is dead without this city, (Washington,) and that it will be seized on or before March 4. Great reliance is placed on clerks in the government offices who have been sounded and sworn to secrecy. Vast numbers of men, say 400 or 500, are coming, and will come from the south and north with arms concealed in their baggage, and will be accommodated in the houses of the disaffected. Members of military companies north have been tampered with by promises of money. With such means they will surprise the city some morning before daylight, having the public buildings, archives, &c. They will cut the wires, take up the rails, and leave the north in some doubt for some days. Some men in

this city are in the plot, and they are making lists of prominent men to arrest or put to death. Breckinridge or Davis will be the President of the new republic. It is probable the surprise will be made after the arrival of the President elect. The date is not yet fixed. He says high officials in Washington, 'pooh! pooh!' at it. Put these generals and other true men on their guard. Says many more of the troops are necessary than the district militia; tampered with; recommends that martial law be declared here. Require the officials and employés to take publicly a solemn oath, &c. Call 30,000 or 50,000 northern militia, who will respond, to this city. The writer of the above says he runs some risk in communicating this information, &c."

By the CHAIRMAN.

Question. That is a mere abstract?

Answer. Yes, sir.

Question. Prepared in your office?

Answer. Yes, sir.

Question. Do you know the writer of that letter?

Answer. No, sir.

Question. This is an abstract of the second letter?

Answer. Yes, sir; indeed, I cannot keep one-tenth of them in my mind.

By Mr. BRANCH.

Question. Has this letter a real name signed to it?

Answer. I think it has. Here is a letter (showing one) from Williamsburg, New York, with some slips in it that have been cut out of the newspapers. I should not read it, probably, but throw it in the fire.

I will state again, in general terms, that I have received innumerable letters on this subject. And all through them there are indications of a conspiracy; an intention to create a false alarm and enjoy the joke; or there is an extraordinary conspiracy for a real purpose. I am sure I have received 80 or 90 such letters; one from Columbia, South Carolina; some from Mississippi, Louisiana, Ohio, Illinois, Virginia, Delaware, and many from Maryland, all speaking with great confidence of an existing conspiracy. The postmarks on the letters also prove that the letters come from the places named within.

Question. I understand you to say that in no instance have you received a letter of that description signed by a person known to you?

Answer. I do not think I have had a letter containing any specific intelligence from any persom with whom I am personally acquainted.

Question. Have you in any instance endeavored, through your subordinates or otherwise, to trace any of these letters, and ascertain whether they were from responsible persons or not?

Answer. I have not.

Question. Where they profess to be signed by the names of the writers, have you in any instance made endeavors to ascertain whether they were real names or fictitious?

Answer. I have not. I have been too much occupied to follow up such investigations.

Question. You say some of these letters come from the southern States?

Answer. Yes, sir.

Question. Some from those States that have seceded?

Answer. Yes, sir.

Question. What proportion do you think comes from those States?

Answer. I think a small proportion are from the cotton States. I remember a very specific letter from Columbia, South Carolina.

Question. Do any considerable portion of them come from those slaveholding States that have not seceded?

Answer. More than from the seceded States?

Question. Where does the great bulk come from, the north or the south?

Answer. The most come, I think, from Virginia; next, I think, from Kentucky. I have had more from Virginia than from any other quarter.

Question. You think, then, there are a larger number of them from southern States than from northern States?

Answer. I think so.

Question. Have these letters, in any instance, given you the names of parties whom they allege to be engaged in this conspiracy, so that you could trace them?

Answer. Yes, sir. I did not know that there were any names mentioned in this abstract. I had forgotten that some very high names were mentioned there. I have here (producing a small slip of paper) a name I cut out of a letter, which I marked so that I could tell to what letter it belongs. It was a very specific letter, that came from Columbia, South Carolina; postmarked there.

Question. Do you know whether it is a real or a fictitious name?

Answer. I do not. The handwriting is a very good one, very distinct. The letter gives proof of education. It is written with great strength; some taste in composition.

Question. You say that he gives you particulars?

Answer. Yes, sir.

Question. Can you state to the committee any of those particulars?

Answer. I would rather not trust to memory. I can doubtless obtain the letter from the Secretary of War.

Question. Have you any means of ascertaining whether that name is a real or a fictitious name?

Answer. I have not inquired of a human being about it. There was nobody near me who was acquainted there; and, in truth, I was afraid to stir in the matter, for this individual said his life would be in danger if his name should become known. Many of them who give their names desire to have them suppressed; and this writer says expressly that it would cost him his life to let his name become known.

Question. You have been, in your life, engaged in many important scenes. Have you or not been in the habit, on all important and public occasions, of receiving large numbers of anonymous letters per mail?

Answer. I have, in every period of my life, when actively engaged, received some. But not one-tenth of the number in the same period before. I have not inquired. I have felt a little curiosity with respect to that letter from Columbia. I handed it to the Secretary of War after I had cut the name off, and told him I would show him the name if he wished; I think he did not ask for it. I remarked to him that the writer was in great dread of having his name exposed. And I mentioned to him further that I thought he must have been one of the sworn conspirators, and had violated his oath. I think that is the remark I made to the Secretary of War.

Question. Would you object to that name being furnished to the committee?

Answer. If the committee demand it of me, I think it important I should be compelled to give it. But, though I have as much confidence in the gentlemen of the committee as I would have in myself, I should be exceedingly reluctant to disclose the name; I think it would endanger the writer perhaps unnecessarily.

Question. The only object would be to make inquiry as to whether it was a real name, and if so, to have the person before the committee in order to ascertain what the plans and arrangements of the conspirators are?

Answer. I mentioned to Secretary Holt, at the time I handed him the letter, that this individual could not have spoken with so much precision as to measures and persons without having been himself sworn a member of the conspiracy which he alleged to exist.

Question. Or what would be equally as effective, could you, through some member of your staff, or other means within your control, ascertain with certainty whether it is a real name or not?

Answer. I have three officers in my staff: one is a native of Delaware, one of Virginia, and one of Massachusetts. I do not think that either of them has many acquaintances in South Carolina, or rather any particular acquaintance in Columbia. I will give this name if the committee demands it. And I will make some little inquiry myself, if I can. I do not know that I can. I do not know, at this moment, in the District of Columbia, a single person from the interior of South Carolina. I have been extensively acquainted in that State, but not of late years.

Mr. BRANCH. I think this is an important letter, and that we should have this name, for by it we might perhaps get a clue that would enable us to trace this matter.

The WITNESS. Here are some letters [producing them] sent to me from my office this morning. They are perhaps a week old.

The CHAIRMAN. I do not think there is any necessity for putting this name on our records at this time. It might do individuals harm, or it might not. But so far as inserting it in this record at this time I should be opposed to it. If the general should think proper to intrust a copy of the name to the committee for their use in ferreting this matter out, if they should deem it necessary, or advisable, or practicable, I can see no impropriety in that; because I have every confidence in every member of the committee. But I am opposed to inserting it on our records at this time.

Mr. DAWES. I think it is important enough to justify the sending of some confidential agent there to obtain all information possible touching that communication.

The WITNESS. I am very confident, as I remarked to the Secretary when I brought the letter to his notice, that he is a sworn member of the very conspiracy which he denounces.

By Mr. COCHRANE:

Question. Did you communicate the name to the Secretary of War?

Answer. I think not. I think I cut it out, and as I handed the letter to him I told him I would give him the name if he desired it. But I think he did not ask it.

Question. I asked in reference to the probability of the War Department being engaged in this very business.

Answer. I think not. My impression is that this individual represents himself as travelling from Charleston to the west.

Here is a letter [producing one] among some few that I accidentally have here. I have not been to my office this morning. I sent up for the summons under which I appear before you, and in sending the summons they put in these letters with it. This letter is dated at Nashville, Tennessee. I will read it.

"SIR: By the public papers I observe that you are organizing forces in the District of Columbia to resist any attack that may be made upon the federal capital on or before the 4th day of March next. From these statements I infer that you are informed to some extent of the movements making for that purpose. But you can hardly be fully acquainted with the magnitude of the danger, and the extent of the preparations to prevent Mr. Lincoln's inauguration. A secret society exists through all the southern States, bound together by solemn obligations to prevent it at all hazards, even to the extent of causing his assassination before taking the oath of office. You may not credit this, but I am sorry to have to say that it is strictly true. And if the attempt be made to inaugurate Mr. Lincoln in the customary manner, the probabilities are great that some one will be willing to run the risk of immortalizing himself by propitiating the extreme southern feeling, and will make the attempt upon his life. If your precautions are sufficient to prevent a public exhibition of armed force the attempt will be certainly made."

[There seems to be a negative wanting there.]

"The society to which I refer embraces not a few men sworn to support the Constitution and laws of the United States; men high in public life; some holding office at this time under the general government. Its numbers are already very great. Not a few of its members are in Washington. You meet them daily. Several are members of Congress. Treason is all around you, I fear to a far greater extent than you are aware; though I judge from the papers you are not unconscious of its existence."

[I have no information in the world except through letters of this description.]

"If your preparations are not of a nature to render an attack hope-

less, it will certainly be made towards the last of February. Great show of armed force, ready at a moment's warning, and reliable, too, can easily prevent an irruption like that of the ancient Vandals.

"This communication is solely for your private eye, and is prompted simply by a desire to prevent, as far as practicable, the consummation of what I cannot but consider one of the most diabolical outrages ever perpetrated among a people professing to be civilized and Christian. It would be more than my life is worth for it to be known that this communication has been made."

Now, upon reading this letter, it may be that I have confounded this letter in part with the Columbia letter; I think this phrase is also in the other letter.

By Mr. BRANCH:

Question. You say that these anonymous letters come from the north as well as the south?

Answer. Yes, sir.

Question. From every part of the United States?

Answer. Not every part.

Question. From every section?

Answer. From every quarter.

Question. Do the writers of the letters from the north intimate that the conspiracy exists at the north?

Answer. In the city of New York; I do not learn that there is any conspiracy out of New York until you come to Maryland; I do not think I have any information of its extending north or east of the city of New York; but very many letters come from Maryland.

Question. You say you have taken no steps to ascertain whether these names are real or fictitious, or to trace out the facts the writers profess to give?

Answer. No, sir.

Question. Then these letters constitute the whole basis upon which you have acted in regard to the defence of this city?

Answer. Yes, sir; except, perhaps, a few verbal assurances.

Question. You have an extensive acquaintance in Virginia, have you not, with the most patriotic citizens of the State?

Answer Pretty extensive.

Question. Have any of your friends or acquaintances there written to you, or told you verbally that such a conspiracy existed in Virginia?

Answer. I have one or two letters from persons with whose names I am acquainted, but who do not stand in any intimate relation with me; I merely know the names and know they are respectable persons; some of the letters, perhaps, bearing such names, speak of the conspiracy; I cannot say whether they are genuine, nor have I ever stood in intimate relations with them, nor know their handwriting. I think I have some such intimating that this Capitol is in great danger.

Question. Have you not seen in this city, within the last four weeks, a large number of your Virginia friends of high standing in that State?

Answer. I have seen a number.

Question. Have any of them stated to you that a conspiracy existed in Virginia?

Answer. I think not; I have seen Mr. Rives and some four or five of our principal citizens; I do not think that any one of them have said so.

Question. You say that a large portion of these letters that you have received came from the State of Virginia?

Answer. I have, perhaps, rather more from Virginia than from any other one State.

Question. Have any of your personal friends or acquaintances in any other State informed you verbally that they knew, or had reason to think, there was a conspiracy?

Answer. I think not; nobody with whom I have had, heretofore, any habits of intimacy. I doubt if anybody from any other State, with whose name I was ever acquainted, has done so.

Question. Assuming that there was really danger, have you conferred with the civil, municipal, and military officers of this District, to ascertain whether they had sufficient means within the District to protect the public property here belonging to the government?

Answer. I have, partially. I have conversed with Major General Weightman, the head of the military of the city. I have conversed, I think, twice with the mayor of the city; I met him at a large dinner party the other day, and after dinner I conversed with him and the colonel of the marine corps.

Question. Did they intimate to you that they apprehended any danger of attack upon the government here?

Answer. The mayor said to me twice that he could not name a single body of men, or association of men, in this city, who entertained criminal designs against the government, or the public property of the city. I have seen him twice; he called at my office once with General Weightman. He thought that precautions were important, and he spoke of swearing in a number of special constables. But he said he could not lay his finger upon a spot—that was his phrase—that was disloyal. I understood him to mean that he could not name an association that was disloyal. He repeated nearly the same thing to me, at a dinner party this day week, at the house of the British minister. I had quite a detailed conversation with Colonel Harris, of the marine corps, concerting with him means of security. The mayor joined us, as I have reported repeatedly since. I have reported it to two persons, very high in the government, whom I find animated with a very lively desire to preserve the peace and protect the property of the city.

Question. Did the mayor ever tell you whether he was able to cope with any danger, by means of the military and municipal force of the District?

Answer. The military would not be directly under his command, except in the nature of a posse.

Question. In that nature, did the mayor ever inform you that he felt himself able to protect the peace of the city with the means in his reach?

Answer. I do not think he spoke directly to that point; he did not think there was danger.

Question. He did not think there was any danger?

Answer. He expressed himself that way repeatedly.

Question. Did he ever request you, as commanding general of the army, to afford him any assistence?

Answer. I do not think he did. I offered to be sworn in as a constable, and he agreed to accept me.

Question. He never applied for troops?

Answer. No, sir.

Question. Did you ever confer with him before ordering troops here, as to its being necessary?

Answer. I think not.

Question. Did the mayor ever express to you any doubts of the loyalty of the people of the District, and their readiness to obey his summons?

Answer. I do not think he did; the mayor impressed me very favorably; perhaps I ought to stop there; but I have not seen anybody else who was impressed favorably by him. He won my confidence by his frank and earnest manner. I never had the pleasure of seeing the mayor but twice in my life; the first time was twelve or thirteen days ago, and the second time was the other day at dinner.

Question. What is his reputation as a municipal officer?

Answer. I do not know.

Question. You have been a great deal in this city for the last three or four years?

Answer. Very little. I will say, in regard to the mayor, that I understood he displayed very great zeal and energy, and met with great success in putting down a mob here two or three years ago. I was not here at the time. He alluded to it in his conversation with me. I can only speak of the impression he made upon me, which was very favorable.

Question. Then I gather from your replies that the mayor of the city has not called upon you to give him assistance to protect the peace of the city here, and that he thought the city was in no danger, and that he thought he was able, with the means in his reach, to protect the public property and the government?

Answer. He thought there was no danger, and he has not asked for assistance. Whether he said he was competent to protect the public property or not, I inferred that was his opinion, though I do not know that he said so in so many words.

Question. You have recently ordered a number of troops of the regular army here?

Answer. I have ordered a small number.

Question. What number have you ordered to the city and District?

Answer. I have ordered, I think, including those yet to come, eight companies.

Question. What will be the probable strength of those companies?

Answer. They would be about the average. None of the companies are full. We have two standards, one for the distant frontier, and one for the sea-coast and interior—fifty-four privates for the sea-

coast and interior, and eighty-four for the distant frontiers. Those eight companies, when they all reach this place, may number about four hundred and eighty men, perhaps.

Question. To what arms of the service do they belong?

Answer. Four companies are artillery, acting as infantry, and three are horse artillery, or flying artillery; two of these are now here, and the third will be here in a very few days. There is a company of sappers and miners from West Point. They are kept at West Point for engineering purposes, but during the winter they cannot give lessons. They are here sixty-two strong. They are very superior soldiers. There will be eight companies of regulars, including that company of sappers and miners; seven are now here or under orders, and one is now on the ocean, and will get its orders as soon as it reaches New York.

Question. Making eight companies to be concentrated here before the 4th of March?

Answer. Yes, sir.

Question. Is that exclusive of the marines?

Answer. Yes, sir. I understand from Colonel Harris that he thinks of retaining one-half of the marines for the defence of the navy yard. There may be two hundred and forty in all of the marines.

Question. Where will these companies be stationed?

Answer. One at the United States arsenal, at Greenleaf's Point, some two miles from the Capitol. One is on G street, or F street, I forget which, the other side of the War Office; these two are horse companies. The sappers and miners are in the city armory. The volunteers of this city have a building in which they lodge their arms when they are not out drilling or parading. And the volunteers represented to me that those arms were in great danger of being stolen or burned by disaffected people of this city, and I accordingly put this company in the city armory building. It is across the canal, a little below the Smithsonian Institution. In the course of this week there will be two or three other companies here.

Question. Have you selected the points where they are to be stationed?

Answer. The quartermaster is instructed to hire buildings where he can find them. He has not reported to me where he will be able to obtain quarters for the next troops that will arrive; but one company, I think, will be on Capitol Hill; that is, I understood that he expected to engage quarters here; I do not know whether he has or not.

Question. You say these troops have not been ordered here in accordance with the request of the municipal authorities of the city?

Answer. No, sir.

Question. Rather in disregard of the opinion of the mayor that they were not necessary?

Answer. I have not been requested by him to call any hither.

Question. He stated that it was not necessary?

Answer. He said it was not necessary.

Question. Has the President of the United States ordered it to be done in consequence of any information in his possession?

Answer. He has some information on the subject. I have heard

him read a letter very like the letters which I have received to-day. I have brought no troops here without the permission of the President of the United States, or at his instance.

Question. At his instance?

Answer. Originally it was agreed that so many troops should come. I had my opinion upon the subject, and I gave it. The troops which were originally designated between us have not all arrived. A portion of them are not yet here.

Question. Of course I did not mean to intimate a doubt that you had acted with his concurrence.

Answer. Of course I am subordinate to the President of the United States.

Question. What I desired to know was whether those troops were brought here at his special direction and instance, in consequence of those letters that you have told us about this morning?

Answer. He has heard of all the letters, except those that have come to-day, and he has seen some them. The Secretary of War has carried them to him, or given him the substance of them. The President, in a conversation between us, thought it was necessary to take some measures for the protection and safety of the city. In that conversation it was determined that so many troops should be brought here for that purpose, and I was charged by him with the peace of the city.

Question. Then I understand that these letters of which we have been speaking this morning, constitute the ground upon which you have been led to believe that the safety of the public property and the government required you to bring a portion of the army here?

Answer. Yes, sir. There is hardly anything beyond the letters.

Question. Do you know the numerical strength of the militia of this District?

Answer. I do not. I should suppose that the uniformed volunteer companies may amount to, perhaps, 350 or 400 men.

Question. That is, the drilled and officered companies?

Answer. Yes; the volunteers. I suppose they do not exceed 400. I have never seen the return.

Question. Can you give anything like an approximate estimate of the whole number subject to military duty in this District?

Answer. I have never seen the returns. I think there are some 400 drilled and armed men.

Question. Out of a population of 80,000 what would be a fair estimate of the number of men subject to military duty?

Answer. About one in six.

Question. That would be about 13,000 fighting men for a population of 80,000?

Answer. If you run up in your enlistments as high as men of the age of 65, it would be about one in five.

Question. These militia are subject to be called into service by the President of the United States under existing laws, are they not?

Answer. I believe he can only call them, as he could the militia from the States, in case of disturbance, to enforce the laws, suppress insurrections, and repel invasions. These are the purposes named in

the Constitution, and also in the act authorizing the calling forth of the militia.

Question. Was there within your possession any information going to show that the militia of this District are not reliable for the purpose of executing the laws, suppressing insurrections, and repelling invasions?

Answer. From the nature of the case, I can have no direct knowledge upon the subject; but some of the militia officers themselves tell me that there are many disaffected individuals in all except two or three companies; and I have heard of one entire company being disaffected—disloyal to the Constitution of the United States.

Question. Do you think that is the prevailing sentiment among the people of the District of Columbia?

Answer. I cannot speak further.

Question. Has that been so represented to you?

Answer. Some of the officers connected with the militia here—at least two of them—have told me, or dropped the remark casually in conversation, that there was a great deal of disaffection in some of the militia companies of the District. I have heard the militia of Georgetown excepted—at least two companies of them, one of infantry and one of horse.

Question. They are within the District, and embraced under the same regulations?

Answer. Yes, sir; they are within the District.

Question. You have heard them excepted, and heard that they were loyal, and have only heard that some individuals of companies in this city were disloyal?

Answer. I did hear of one entire company in this city that were thought disloyal.

Question. Have you heard any opinion expressed by the local authorities here that the militia, as a body, were not to be relied upon?

Answer. I have had the least intercourse in the world with the local authorities. The mayor did me the honor to call upon me once, with General Weightman.

Question. You did not order the troops here in consequence of the fact that you suspected the District militia could not be relied upon?

Answer. From the hints and suggestions made to me, I have considered that portions of many companies here were disaffected. But my information on that point is very imperfect.

Question. Not derived from any official quarters?

Answer. Nothing direct; nothing official. I do not know a single captain or lieutenant in the city. I may know some of them without being aware that they belong to the militia. I do not know that I am acquainted with one of them.

Question. Have you not recently had large demands made upon you for regular troops for public service in various quarters of the States and Territories?

Answer. Only under threats of having our forts seized.

Question. And you have, under these threats, had large demands made upon you?

Answer. Yes, sir; here in this city, in the harbor of Baltimore, in

Delaware, &c. I have not had anything to do with Harper's Ferry. The troops were ordered there independent of my agency; but I believe they were very necessary, and I would have ordered them there if the application had been made to me. I should have gone to the President, of course, for his approbation.

Question. You have recently had a very large demand made upon you for men and officers for frontier service, protection against Indians, and for the protection of the public property in various quarters of the Union?

Answer. Yes, sir; and I was opposed to stripping the seaboard so extensively of troops as it has been stripped of them. I did not think it was necessary. It was done against my views of expediency. I think there were more troops sent to Texas and New Mexico than were needed there.

Question. Notwithstanding this great demand for troops for the protection of the forts and for the protection of the frontiers, you still have considered the need so imminent here as to draw off eight companies of regulars, besides two hundred marines, to protect the property of the government here?

Answer. These troops were not drawn off from any exposed frontiers. Fort Leavenworth is an interior post. I am very confident Texas could spare two regiments, and I think New Mexico could spare one regiment, and have sufficient force left for the defence of the frontiers.

Question. Then none of the frontiers, or elsewhere, have suffered from bringing troops here?

Answer. I have not brought any troops here from the frontiers.

Question. You have brought some from the seaboard?

Answer. Yes, sir.

Question. And some from Leavenworth, Kansas?

Answer. I have brought three companies from Kansas. They are not needed there. One company has been brought from Plattsburg, in the State of New York. A company that was driven out of the arsenal at Baton Rouge will be here; it has reached New York, and will be here in a very few days. A company from the arsenal at Augusta, Georgia, is now on the ocean, and will be in New York in a day or two. It was driven out of the arsenal at Augusta, and will be here some time next week; and we bring two companies from West Point, making eight companies in all. One company from Boston harbor has gone to the Tortugas.

Question. Have you, under the direction of the War Department, or otherwise, ordered a military escort of any description to accompany the President elect to this city, on or before the 4th of March next?

Answer. No, sir. I saw myself reported the other day to have done something of the kind. But I have had no more agency in such a thing than you have had. I heard that some democratic gentlemen of Baltimore—none but democrats, some twenty of them—had united together and agreed to offer their services to meet the President elect and escort him here. That plan was attributed to me, but I had no more agency in it than the infant born last night.

Question. You have too much confidence in your fellow-citizens to believe that such a thing is necessary?

Answer. No, sir; I did not say that. I have received a great number of warning letters from Virginia, and a great number came from the line between Wheeling and Baltimore.

Question. Then you think if the conspiracy exists, it is stronger in Pennsylvania than elsewhere?

Answer. No, sir; that route is mostly in Maryland—in small part in Virginia and Pennsylvania. I have had more letters from along that line or road than from almost any one State.

Question. If Congress were to request it, do you think that you could organize a volunteer force in the District of Columbia, without going outside of it, sufficient to make the government, and Congress, and public property here secure, and so as to enable you to send off the regular troops of the army which have been concentrated here?

Answer. I think not.

Question. You think not?

Answer. I should be afraid to risk it myself.

Question. And you have based that opinion on the letters of which you have spoken to the committee?

Answer. Yes, sir; and hearsay; a great deal of hearsay about the District. I have very few letters from the District; not more than one or two; my knowledge is mostly from hearsay.

Question. Does this hearsay come from any persons known to you to be responsible and discreet persons?

Answer. They are persons I meet in society, as respectable as any of my acquaintance. I cannot name any distinguished individuals, no members of Congress, but persons here in the District of Columbia, and apparently as respectable as anybody here. Indeed, I know many of them to be quite respectable.

Question. Do they give you facts upon which they base their opinion, or only vague, undefined fears?

Answer. I think they have not given me any specific facts, but a great many speak of the District of Columbia as doubtful.

Question. A large portion of these letters, you say, come from the north?

Answer. I do not think half of them come from the north.

Question. Do you think one-third come from the north?

Answer. I think that, including Maryland, fully one-third come from the north.

Question. I see one here [taking up a letter] from Middletown, Connecticut.

Answer. A portion came from New England, but very few. That is one which I received this morning. I do not think I have read it.

Question. Do you think the ramifications of this conspiracy, if it exists, extend to New England, or beyond the city of New York?

Answer. No, sir.

Question. Do you know any facts upon which you base your belief of its existence in the city of New York?

Answer. Letters from there say there is a pretty extensive branch there. For instance, I was called upon, within ten days, to protect

one of the forts in the harbor of New York. Some four or five years ago we turned over to the Navy Department one of the small islands in the harbor of New York, to be used as a powder magazine, and the quantity of powder stored there is enormous. I have received information, within seven or eight days, that there was a plan for robbing that magazine of powder, and a guard was asked for. I did not examine far into the matter, because I replied that it now belonged to the Navy Department, and was no longer in the charge of the army; and I did nothing in the matter. I presume the Navy Department did something.

Question. You do not know what steps were taken?

Answer. No, sir.

Question. But it was alleged that that arsenal would be seized by persons in the city of New York?

Answer. Yes, sir.

Question. For what purpose?—as a part of this same general conspiracy for the overthrow of the government?

Answer. For the use of the south. I do not know that it was for the overthrow of the government. Perhaps for the use of the seceding States. I did not investigate it at all, because I replied that it did not belong to the army branch of the service.

Question. You do not know what steps were taken to protect it?

Answer. I do not. I promptly replied that it did not pertain to us; that it must go to the Navy Department. I know it was taken over to the Navy Department.

Question. Do you know whether there is in the possession of the Secretary of War any information other than these letters you have taken to him?

Answer. I think he has received a great many letters of the same character—as has the President.

Question. Some anonymous and some signed?

Answer. Yes, sir; I heard the President read one. I think it was an anonymous letter; and he commented upon it. I was with the President yesterday, and that was the reason I did not obey your summons. We were there until quite late—various members of the cabinet; and during that meeting this subject was incidentally referred to. The President read a letter which he himself had received, pretty much of the same character with those I had received.

Question. Signed by a name or anonymous?

Answer. I cannot say. My impression at first was that it was anonymous, but now I think it was not. I rather think I heard him say he knew the writer.

Question. Did the writer give facts and details of the plan of the conspiracy, and its object?

Answer. I do not think he was very specific. I read daily from three to nine such letters, and having a great deal to do I cannot keep them distinct in my mind. I can only give you the general impression they make upon my mind.

At the request of Mr. Branch the reporter of the committee read the following extract from the Washington correspondence of the New

York Herald, as published in that paper on Monday, the 28th of January, 1861:

"The most intense excitement exists in certain congressional circles in consequence of the fact leaking out that the Howard select committee of the House have positive evidence before them of a conspiracy existing in this city and vicinity to overthrow the government, in which certain prominent officials and citizens in Washington and elsewhere figure. Decisive action will be taken in relation to the matter, and every man, from ex-cabinet officers down to the humblest department clerk or Senate employé, will be held to the strictest account. In this emergency it is gratifying to know that, while there may be many citizens in Maryland who, when they can honorably do it, if they cannot consistently remain in the Union, will go out, have determined that while they do remain in it they will be loyal citizens, and when they go out they will not do so dishonorably. The existence of the conspiracy has been known to certain officials in Washington for some time."

By Mr. BRANCH:

Question. The question I want to base upon that extract is this: Is the general character of the letters you have received such as might have been excited by the writers' reading statements of that description in the public papers? Might they have originated from alarms excited by such statements as that?

Answer. I think they are independent of such extracts, because I have been receiving these letters for four weeks. They begin to thicken now very much; but I received these letters four weeks ago. Indeed, I think I received the first before the 20th of December.

By the CHAIRMAN:

Question. Have you been disposed or influenced, do you suppose, to treat these matters very seriously because of the fact that a large amount of the public property has been seized in other sections—more influenced than you would have been in ordinary times? Have you given more weight to these letters in consequence of the knowledge of the fact that the public property has already been seized on a large scale?

Answer. I think, very little, if any. Indeed, I am not conscious of having been so influenced.

Question. In all this correspondence have you received any intimations from any constituted State authorities in any State? Has any governor or State officer suggested that you should be vigilant, or that there was danger, even in general terms?

Answer. Yes, sir; from one governor, and I think but one. I am not acquainted with him personally, but he has expressed, in at least one letter, grave apprehensions of danger to this capital.

Question. Was that recently?

Answer. Within fifteen days, certainly; perhaps within ten.

Question. Did he make any suggestions as to the amount of force that he thought you ought to have?

Answer. I think he did; recommended a large force; but I will not be positive about that.

Question. Was he at all specific?

Answer. I received two letters from him. In one of those letters he stated that there was quite a body of volunteers within his State that would be ready to obey any call. And I replied, and begged that applications upon that subject might be made to the Secretary of War, or directly to the President; that I did not feel myself at liberty to entertain propositions of that sort. I begged him to refer to the Secretary of War, or directly to the President. Any governor of a State would, of course, be authorized to address the President of the United States.

Question. Would you deem it improper to state what governor that was?

Answer. I would rather not.

Question. Are you personally acquainted with him?

Answer. I am not; I never saw him that I know of.

Question. Was it a northern or southern State? Or would you decline to answer that question? I do not care about pressing it.

Answer. One of the middle States; I should call it a middle State.

Question. Have you received any intimations that there was a conspiracy, on a large or small scale, to commit any bodily injury upon yourself?

Answer. I have got some anonymous letters, and one that appeared to have a genuine signature; but I never thought it worth while to speak of it.

Question. Did you get intimations through friends, within the last three days, that there were persons here in the city for the express purpose of assassinating you?

Answer. To seize me, I think it was.

Question. Or dispose of you in some way?

Answer. To seize me; make me a prisoner. I received one letter, purporting to have a genuine signature, threatening assassination to several persons more considerable than myself, and my name was added to the number. A gentleman in this city told me that he had heard a project for making me a prisoner and carrying me off; not involving assassination, but capturing me. He mentioned it smilingly, and I think I have not mentioned it before. I have a letter written, I forget where, appearing to bear a genuine signature, in which the writer says that before the 4th of March Mr. Buchanan, Mr. Lincoln, and one or two very eminent men in Congress, and myself, will be assassinated; that we shall not be allowed to survive the 4th of March. I did not think of attaching any importance to it. I have taken no notice of the letter, and do not desire to do so. Mr. Holt, Secretary of War, said to me a few days ago—I think four or five days ago—jocosely: "Are you aware of a plan to seize you, and dispose of you in some way?" Not a single remark was made in reply, except that I did not think it would be worth the trouble, or something to that effect; that I did not apprehend any danger. I understood it to be to carry me off.

By Mr. COCHRANE:

Question. The mayor of this city, I understand you to say, expressed his opinion that there was no danger to be apprehended in the District of Columbia. I will ask you this: Did you not understand him to refer to danger arising in the District?

Answer. I did; to danger from his own people.

Question. And his information would be confined to the circle of his observation within the District?

Answer. To the population of the District; I distinctly so understood it.

Question. Your preparations are not made with reference to any danger to be apprehended immediately within and from the District, but from abroad?

Answer. I can say much more to meet dangers from abroad than internal dangers; not dangers from the free States.

Question. And these preparatory measures, I understand, are concerted by yourself and other officers of the government, including the President and the Secretary of War?

Answer. Yes, sir.

Question. And are dictated, therefore, by the common information which you all possessed?

Answer. Yes, sir; entirely so.

Question. If you were to depend entirely upon the militia of the District to resist any apprehended danger, would there be time, without reference to any other considerations, to organize that militia sufficiently to resist that danger, in the interval between this time and the time at which it was to be apprehended?

Answer. Yes, sir; a bill passed by the two Houses of Congress this week would give us any number of volunteers within two days, from Pennsylvania, Maryland, New Jersey, and the city of New York. In ten days' time we could fill the city with volunteers.

Question. That is in reference to the militia without the District. How would it be with reference to the militia within the District? Could you organize within that interval a sufficient number of them?

Answer. I suppose there may be about four hundred organized and uniformed in the District. But I never directed a solitary inquiry to that subject.

Question. I will ask you your opinion in reference to the militia of the District, in view of the opinion you have expressed of their limited disaffection. What is your opinion of them as a reliable body with which to resist apprehended danger?

Answer. I should doubt, from my slight knowledge of the subject, whether you could get two hundred reliable volunteers within the District. Against a foreign enemy they would be of much greater value. But I think, from the hints that I have heard, and conversations that I have held upon the subject, more than one-half of the militia of this District is disaffected towards the present Union.

Question. Have not your preparations in drafting forces from the army and locating them here, as preparatory to a certain danger,

depended quite as much upon the character of those forces to repel that danger as the number of the forces themselves?

Answer. I regarded the local militia as insufficient to meet any serious danger. If I may be allowed to make a single remark to explain my meaning, there is great danger in employing militia, because you cannot prevent them from firing very improperly; they get agitated, alarmed; all new troops do, even regulars before they are disciplined and have had some experience. You cannot restrain them from firing. Under a shower of brickbats and stones you can rarely prevent militia from firing. You cannot prevent any new troops from doing so, whether you call them regulars or militia. I do not like to deal in important cases with men who cannot be relied upon to stand and wait for orders.

Question. And your preparations with this peculiar force of the army have been dictated by such views as these among others?

Answer. Yes, sir. I can with them, perhaps, go through scenes of extreme peril and not fire a gun or shed a drop of blood; whereas with militia or irregular troops there might be much bloodshed.

Question. And with regular troops there would be less danger than with the militia?

Answer. Yes, sir; there would be great danger with the militia. I do not think the regular troops are naturally braver than the volunteers or militia. Give them discipline, and the volunteers and militia are just as good as our regular troops.

By Mr. BRANCH:

Question. When you say that you think more than half of the militia of this District are disaffected to the government, do I understand you to mean that more than half of the persons in the District subject to military duty are in favor of a dissolution of the Union?

Answer. I did not mean that. I mean that I have been led to believe that among the organizad militia of this District one-half are disaffected—wish to have this government overthrown—would prefer to have it overthrown. The grounds of my belief consist of a number of small particulars.

Question. Are actively engaged in favor of a dissolution of the Union?

Answer. At least would prefer to see the Union dissolved.

Question. You confine your remark to the organized militia?

Answer. Yes, sir.

Question. What would you say about the militia of the District that are not organized?

Answer. I know but little about the militia, and still less about the citizens.

Question. You say that one governor of a State has written to you twice, offering you volunteers, and you referred him to the President and the Secretary of War. I desire to ask that you will communicate to the committee of what State he was governor?

Answer. I would much prefer not to do so.

THURSDAY, *February* 7, 1861.

WINFIELD SCOTT, examination resumed.

By the CHAIRMAN:

Question. I understand that you desire to make some corrections of your former testimony so far as it relates to some of the letters referred to by you at that time?

Answer. Yes, sir. When first before the committee, I confounded three letters—one from Nashville, Tennessee, one from Columbia, South Carolina, and one from New York. I was quite indisposed the day I was here; and as I had received largely, more than one hundred letters, upon the same subject, I suppose I must in that way got those three letters jumbled together in my memory in a manner that has given me a great deal of distress. I have now brought these three letters with me, in order that they may speak for themselves. It was a New York letter that I supposed I had received from Columbia, South Carolina. From the New York letter I had cut out the name of the writer and the name of a person twice mentioned in its body. It was quite important that I should suppress the name. This is the New York letter. [Producing the letter.]

By Mr. BRANCH:

Question. Was the name signed to this letter a genuine name?

Answer. Yes, sir, as I have ascertained since I was first here. I have cut out his street and number in New York. He is a very considerable merchant, and one of the most respectable citizens in New York. The handwriting of this New York letter was so remarkable that I had a copy of it made, as I desire to withhold the original. But I have brought the original, in order that it may be seen whether the copy is a correct one. The Columbia letter is of much less importance than I had attributed to it. It is anonymous, and relates to Charleston affairs mainly; perhaps there is an allusion to something beyond.

I will not again undertake to speak from memory. I am exceedingly mortified at the mistakes I have made. I desired to put myself right upon the record in respect to these letters.

By Mr. COCHRANE:

Question. The letters collectively convey the same meaning that you attributed to them when you were here before, but you erroneously attributed different portions of the information to the wrong letters?

Answer. I confounded them together. Two of the letters are very specific, the New York letter and the Nashville letter. The Nashville letter is already on your record.

By the CHAIRMAN:

Question. The New York letter is the one you had confounded with the Columbia letter?

Answer. It is the one I had attributed to Columbia.

Question. And you have now ascertained, with regard to the New York letter, that the signature is the name of a real person?

Answer. A genuine signature.

Question. Of a man who, in your judgment, is a reliable person?

Answer. I am told by a member of Congress, who is intimately acquainted with him, that he is a man of very high character.

Question. You do not know him personally?

Answer I do not. It was that name that I had on a slip of paper in my pocket when I was here before.

The letter is as follows:

[Private.]

"NEW YORK, *January* 26, 1861.

"SIR: The plan of the traitors is to take possession of the capital on or about the 5th of February by a *coup de main*, and to hold possession after March 4, when they will be the government *de facto;* and this will be done, unless the force shall be greatly increased which you now have there, and that force made up of reliable men. The present men are not all reliable, and the force is too small to resist what will be brought against the capital. Mr. Buchanan, it is believed, (and said to be known,) will not interfere."

[The WITNESS. That is unjust.]

"Nearly two weeks since I gave information to Mr. ——— of what the plans then were, and I understand from him that he communicated them to you. By this mail I have written to Mr. ——— again; but the mails have been so uncertain, and the time is so pressingly short, that though I have not the honor of your personal acquaintance, I take the liberty of addressing you directly.

"My information is from the most reliable source. It is only from very peculiar circumstances that I am enabled to get the truth, and my sense of duty leads me to communicate it to you.

"I must ask, however, that my name be kept strictly private, excepting from Mr. ———, who knows the facts from me My present safety demands this privacy, and the probability of getting further information equally requires the same course.

"Details could be added, but they are entirely unimportant.

"Your obedient servant.

"Lieutenant General W. SCOTT."

The letter from Columbia is as follows:

"COLUMBIA, *January* 24, 1861.

"DEAR SIR: Having just returned from Charleston from a visit of two weeks, and thinking you would like to be posted up, came to the conclusion to write you a few lines, and give you the points. The head ones of this State expect to demand of Major Anderson, Fort Sumter, and if he refuses to give it up, they are making preparations to take it, or try to do so in about ten days from this time, or as soon as they get fixed. The guns at Fort Moultrie are all up. They have

another battery about two miles further down on the island with five 24-pounders. They have command of Moffat's channel, fifteen guns at Morris island, and about twenty at Fort Johnston, some of them heavy, also Fort Pickens [Pinckney?] They have just received four 64-pounders from Richmond or some other place, and are making gun carriages for them at the South Carolina railroad shops. These guns are to be placed in boats to be towed in the rear of Fort Sumter. They are to be placed behind cotton bales. They are fixing boats for the troops to land at the fort after they have knocked a hole in the wall. At this time there is two thousand troops from the up country on the island, and ten thousand will be ready in the country in five days to go down. And unless the fort is given up they will certainly try and take it. The people think if Anderson remains in the fort they will be disgraced. They don't think Anderson would fire on them, but will give it up. Any quantity of shot and shell has been received in Charleston. The people of this State are down on you, and no mistake but what they would handle you as rough as they would Seward if they could get hold of you. Shall have to direct this to some one else for fear you would not get it. What I have written you can depend upon. I tell you that this State is bound to have that fort if it cost five hundred men. The United States officers that have got appointments, most of them are dissatisfied, not appointed *high enough*. Some have resigned, and others are going to do the same. Nothing more at this time. Would give my name, but if found out would have to *swing*.

"I remain yours,

"UNION.

"General WINFIELD SCOTT."

By Mr. BRANCH:

Question. Do you regard these three letters which you have placed before the committee as the most pointed and distinct that you have received—the most worthy of notice?

Answer. They are fully as much so as the others. I have sent to Baltimore two letters, which I have received since I was here last, to learn whether the signatures were genuine, and to learn the character of the writers; taking the hint from something that was said here when I was last before the committee. They have not yet been returned to me. They are fully as specific, and relate to matters at least as important as the Nashville letter and the New York letter. They were sent to Baltimore some three days since, and I expected them back before this.

The CHAIRMAN. While we would be very glad, general, and desire to have any fact, any additional important information that you can give the committee, we wish you to judge as to the propriety of communicating anything you may have. That is to say, we do not wish you to communicate anything that would tend to defeat the very objects you have in view. But anything that would not come within that rule you can state in addition to what you have already communicated.

The WITNESS. I have slightly misrepresented a letter of which I

spoke the other day; that misrepresentation I wish to correct. I stated on a former occasion, under cross-examination, that one of the letters addressed to me by a governor of a State referred to what is called a conspiracy merely as something whose existence was recognized, not as anything that he himself pretended to have any knowledge of; I stated something to that effect. In looking over one of his letters I find that he went further than that. In the conclusion of one of his notes to me he says that "a scheme to defeat the counting I know has been and I fear still is contemplated." I stated, speaking from memory, that there was nothing of that character in his letters. The sentence here seems to be incomplete. "A scheme to defeat the counting;" probably he meant the counting of the ballots for President and Vice-President. "A scheme to defeat the counting I know has been and I fear still is contemplated."

By the CHAIRMAN:

Question. You then stated from memory, but now you have the letter before you?

Answer. I have the letter before me. I had no papers with me when here last, except the letters I received that morning, and one or two others that happened accidentally to be in my possession then. The bulk of the papers were at my office. When here before I read a copy or abstract of a letter, and I was asked to obtain the original. This is the original. [Producing the letter referred to.]

The letter is as follows:

"NEW YORK, *January* 29, 1861.

"DEAR SIR: The importance of your being informed of facts relative to the conspiracy to seize Washington is the cause why I presume a second time to write you.

"The leaders say that secession is dead without Washington city; and it is still their intention to get possession of Washington by the 4th of March next, *if possible*. I will endeavor briefly to show you their present plan, for your energy and vigilance have caused considerable modification of their schemes.

"Great reliance is placed upon the clerks in the public offices in Washington. As long ago as June, 1860, they were *sounded*, and subsequently sworn to keep secret what they might learn for effecting the seizure of the Capitol. Young men and others in military companies north are now being tampered with by promises and money, and when solemnly sworn are partially informed of the business at Washington. Those at the capital who are able, and others friendly to the cause, are now asked to quietly accommodate one or two, or more men in their houses for a short time next month. These men will arrive from the north and south by railroad quietly and unostentatiously. Each will carry his gun, pistol, and some ammunition concealed in his baggage. It is supposed by those well informed that four thousand or perhaps four thousand five hundred determined men can thus be concentrated quietly at Washington. Then, under the leadership of an experienced man, make a concerted surprise some

morning before daylight, and by numbers and suddenness make powerless the military in the neighborhood. Awing the city, and with cannon in their possession, they will have some good practical reasons for thinking that the capital, its archives and treasures, are in their traitorous hands. Immediately the telegraphic wires will be cut, and the railroads leading out of the city torn up for some distance. Perhaps two, and perhaps three days, on account of confederates in Maryland, may transpire before loyal men in the north will be able to do anything more than wonder at the audacity of the attack. These three days will not be wasted. Thousands will march on to Washington from the south, and will contest possession, if needs be, with those who come from the north. The first of those days every prominent public man who is supposed to be opposed to those infernal traitors will be arrested and imprisoned, and some will be punished by death. The lists are now being prepared by the desperate men at the head of this movement, some of whom sit in the Senate chamber. And though I have not seen those lists, nor know how much of the talent and honor of the country are comprised in them, yet I think I am safe in saying that if this *coup d'état* is successful, many an American home will sorrow indeed. The new confederacy will be proclaimed, with Breckinridge or Davis as President.

"The day upon which this surprise is to be made is not yet settled. It was proposed to take place the second week in February; but as the President elect will not be there then, fears are entertained of its complete success on that day. My opinion is, that *Sunday, 3d March, at* 3.30 *in the morning*, will be appointed. The date is to be decided this week.

"There is a good deal of sanguine feeling of success entertained by the men who are to lead this attempt. One principal reason is that high officials in Washington—men who are a shame to the nation, who know the truth of what I have written, and are to be benefited by it—deny it strenuously, and pooh! pooh! it, and say that there is nothing in it, so as to leave the city an easy prey, and put off good, true men, like yourself, if they could, from doing anything that will render such an attempt impossible. But you have baffled these men a great deal. God help you to baffle these men still more! If you would entirely destroy their hopes you must do more. Could you hear how eagerly they wish that you would do no more, (for everything already done is weighed and calculated so that they may overcome it by their suddenness,) you would not rely upon a few hundred troops and a tampered militia to keep back these men from placing a black page of dishonor in our country's history.

"What more to do? Permit me to write—

"1. To proclaim martial law immediately in the District of Columbia.

"2. To make every official in Washington publicly, and with great solemnity, take again the oath of allegiance to the United States; those who refuse or wince should be dismissed at once, and note taken of them.

"3. To do the same with the militia of the District.

"4. To call for 30,000 or 50,000 men at once from the northern

States to occupy Washington till the next administration is thoroughly installed. The *elite* of the northern militia will respond. Then, and not till then, will the attack be hopelessly given up.

"5. Through Governor Hicks, of Maryland, get Baltimore special police appointed, and have militia ready for any emergency.

"These are extreme measures, particularly the first and fourth. But I assure you, general, that they are necessary in this moment of peril, and I would to God that I could convince you of their importance. I know what apathy you have to contend with in high places in Washington, but that is a part of the scheme. I know many civic men say that such measures are unnecessary, but they have private reasons for inaction. Do not let them deter you. Run not the imminent risk of subverting this government, and bringing eternal disgrace upon the nation. What you have done still tempts a conflict, and the measures proposed, adopted quickly and simultaneously, can only break the mad intention.

"At some risk I have done my duty to communicate the subject-matter of this note so that you might take proper action. The note of Friday might have been sufficient; but as the attempt is considered impossible by so many, I thought, for your special benefit, it was better to write again more fully.

"I am, very respectfully, your obedient servant,

"J. H.

"Major General SCOTT, *Washington.*"

The WITNESS. I have a great many letters here, some which I had received a day or two before I was here last; and as many more which I have received since. I do not know whether to present them or not. They all bear more or less upon the subject. They are at the service of the committee if they are deemed important.

By the CHAIRMAN:

Question. Are they substantially of the same general tenor as the others?

Answer. Of the same general tenor. They are dated at different places. You have a New York letter and a Nashville letter. Here is a letter from West River, Maryland; a letter from St. Louis; a letter from New York, dated January 28, in relation to the danger of the Capitol.

Question. Is that New York letter from the same writer as the other?

Answer. No, sir; I have no other letter from that person. Here is a letter from Virginia, to the effect that the mass of the people of Virginia are loyal; but that vigilance should not be relaxed at the Capitol. Signed by initials, not by a full name.

By Mr. BRANCH:

Question. Are any of these letters signed by the names of the writers?

Answer. A few. Here is a letter from New York, from a person who signs himself "A Patriot." It is rather long, and contains very

much the same kind of information, some conjectures, and some assertions of facts apparently within the knowledge of the writer.

Question. Are any of them signed by names that you know to be genuine?

Answer. I do not know a single name; I have only ascertained since I was here that the name of the New York letter first read here to-day is genuine.

Question. Those you now have are all of the same general tenor as the other letters?

Answer. Yes, sir; the two that I sent to Baltimore are very specific, and give many details; indeed they give the names of persons and leaders.

Question. Have they genuine names signed to them?

Answer. I cannot say; I sent them off as soon as I read them.

Mr. BRANCH. I suppose it is hardly necessary to spread the balance of these letters upon the record.

The WITNESS. They are from very different quarters; from Reading, Pennsylvania; from New York; and from Baltimore, among other places.

The CHAIRMAN. I think the statement that the witness has these letters, and that they are generally upon the same subject, and are of the same purport as the others, might go on the record, but nothing further, unless the witness deems it important. I do not see any good purpose that could be subserved by printing them in our minutes, unless some question should be raised about them.

The WITNESS. Here is an anonymous letter I received yesterday; and here is another in reference to a plan to poison the artillery horses at this place; two or three threats to kill myself, which I do not think much of.

By Mr. BRANCH:

Question. What is the date of the letter from the governor of a State from which you just read a sentence?

Answer. It is dated January 31, 1861, the very day I was last here before the committee.

Mr. BRANCH. I would state to the committee that I would like to ask the general for the name of that governor.

The WITNESS. When I was before the committee in the first instance, I hesitated about giving the name; I did not reflect that that letter was written to me for the eye of the Executive; that in fact it ought to have been addressed to the Executive. It must have been addressed to me as a mere matter of convenience—to me as the agent and subordinate of the Executive. And since that reflection, I have come to the conclusion that it might be very improper for me to give up the letter.

By the CHAIRMAN:

Question. You consider it rather Mr. Buchanan's letter than your own?

Answer. It is a letter that belongs rather to the Executive than

myself. It is written to me as an agent or a subordinate of the Executive; therefore I do not feel myself at liberty to give it up.

Mr. BRANCH. I will defer to the general's discretion in the matter. If he thinks it would be improper to give it up, I will not press it.

The WITNESS. When I was here before I stated that I had received but two letters from the governor to which I refer. I believed I had received but two then; but I have received one since; making three in all. I have consulted with one individual only, not the President, a very eminent lawyer and statesman, and he gave me the view of this subject which I have stated, and I concurred with him—I mean in reference to giving up this letter of the governor of a State. If the committee had insisted upon it before, I should have asked the President's permission. But as it was not insisted upon, I have not asked his permission yet.

By Mr. BRANCH:

Question. Was it the letter from which you read the extract this morning which you say you have received since you were here before?

Answer. It was dated January 31, and I find now that I was here on that day. Consequently, I could not have received it when I was first here.

By the CHAIRMAN:

Question. Then the statement you made about the letter at that time was correct?

Answer. Yes, sir.

By Mr. BRANCH:

Question. You had previously to that time received two from that same person?

Answer. Yes, sir.

Question. Do you think the purport and meaning of those two letters are correctly described in the testimony you gave on the former occasion?

Answer. I think so; I do not know any material discrepancy.

Mr. BRANCH. After the statement the general has made, I will not press the inquiry on him, but leave it to his discretion.

The WITNESS. I had thought of going to the President this morning before coming here, but I had not time; in case the committee should insist on obtaining his permission, considering myself as the agent—a subordinate in this matter—I would mention the subject to the President.

Do the committee consider the two letters which I have sent to Baltimore of sufficient importance to be received by the committee? They are very specific. They are not signed by real names, I think.

Mr. BRANCH. I think it will be well to leave that matter to the discretion of the general. If he thinks they are of sufficient importance he can furnish them to the committee.

The CHAIRMAN. (To witness.) We will leave that entirely to your discretion, to do as you may think best.

By Mr. BRANCH:

Question. There is one question I desire to ask in reference to the letter from New York of the 26th of January. The writer says, referring to the force you now have in this city—"the present men are not all reliable." Have you any reason to suspect the fidelity of the regular troops you now have here?

Answer. Not one of them?

Question. You think them entirely reliable in the defence of the government?

Answer. Entirely so.

Question. You do not know upon what grounds this writer referred to them in that way?

Answer. I imagine he alludes to the volunteers, the militia of the city; I rather think so. The officers with me have no politics; scarcely one of them have any party sentiments. They are all very much devoted to the Union.

I have read over my recorded testimony taken by the committee of five, of which the Hon. Mr. Howard is chairman, appointed by the House of Representatives to investigate certain matters, and find the record substantially correct.

WINFIELD SCOTT.

No. 12.

THURSDAY, *January* 31, 1861.

WILLIAM FLINN sworn and examined.

By the CHAIRMAN:

Question. Do you reside in this city?

Answer. Yes, sir.

Question. You are a government officer here?

Answer. I am the navy agent here.

Question. Do you know of any sort of conspiracy or combination, secret or otherwise, that has for its object, in any event, an attack upon any portion of the public property here, such as the navy yard or arsenal?

Answer. Only what I have seen in the newspapers.

Question. You have no knowledge of such a thing?

Answer. No, sir.

Question. And you have never heard any persons talk as though they had such information?

Answer. No, sir.

Question. Or as though they had such knowledge?

Answer. No, sir.

Question. Just these sensation articles?

Answer. Yes, sir; sensation articles in the New York papers and elsewhere.

Question. Are you connected with any military company here?

Answer. No, sir.

Question. What are the duties of the navy agent here?

Answer. I pay all the bills for supplies for the Washington city navy yard.

Question. You are not charged at all with the protection of the property?

Answer. No, sir; Captain F. Buchanan is commandant of the yard. Mr. McNerhany is the naval storekeeper.

Question. Have you ever heard any persons say that they intended to seize the Capitol, or that they believed it would be seized by unlawful means?

Answer. No, sir.

Question. Or that they knew it was going to be done by others?

Answer. Only in the newspapers. I have never heard persons connected with the administration say so.

Question. Any other persons?

Answer. I have heard irresponsible boys talk so.

Question. More whiskey than men?

Answer. Yes, sir.

Question. What are your particular duties?

Answer. I pay the bills for supplies for the yard, the bills for travelling allowances of officers of the navy, and bills ordered by the Secretary of the Navy.

Question. What I mean is, were you connected with the safety of the yard, and have you been put on your guard?

Answer. No, sir.

By Mr. DAWES:

Question. Have these articles you have observed in the newspapers led you to make any inquiries?

Answer. No, sir.

Question. Have you communicated with the President, or any one, upon the subject, whether there was any foundation for these articles in the papers?

Answer. No, sir; I never called the attention of the President to any articles in the newspapers. He has been so very much engaged since this Congress met, that I did not intrude upon his time about them.

Question. Have you communicated with him upon this subject at all?

Answer. I was in the President's office one daywhen there was an open audience. The President remarked upon some speculation about seizing the Capitol; and I remarked to the President that I thought the flying artillery was about the best preventive of that.

Question. Have you had any communication with the Secretary of the Navy about it?

Answer. No, sir.

Question. Or with any of the constituted authorities of the city government?

Answer. No, sir; I have confined myself entirely to my business. I have been very busy since this Congress met.

Question. I did not know but what the rumors that you read in the papers might have led you to make some investigation or inquiry.

Answer. No, sir.

Question. Do you know any of the members of the National Volunteers?

Answer. I know Dr. Boyle; I have seen his name in the city newspapers in connexion with that.

Question. What position does he hold in that organization?

Answer. He is published in the newspapers as captain; Dr. Boyle is a very respectable citizen—one of the oldest citizens in the District, and a property-holder.

Question. Have you observed in the newpapers a resolution passed by that organization as to what they contemplated doing?

Answer. I heard that some were published; I did not read them.

Question. Did you learn the purport of them?

Answer. I could send you the paper containing the resolutions. But I cannot quote from the resolutions, as I have not read them.

Question. I did not know but what you might have learned the purport of the resolutions.

Answer. I heard of them, but did not read them.

Question. Did you learn the purport of them?

Answer. I heard common street talk that it was their purpose, if the black requblican Wide-awake mobs came here from the north, to oppose them.

Question. Come here when; at any particular time?

Answer. Previous to the inauguration.

Question. Oppose them by force?

Answer. If they commenced to interfere with the southern people, or to coerce the southern people, they would oppose them.

Question. Was that the purport of the resolutions?

Answer. I do not know; that is merely what I heard.

Question. You had heard that they resolved to interfere if the black republican Wide-awakes came here?

Answer. If they threatened to coerce the southern people—to march south.

Question. Previous to the inauguration?

Answer. Yes, sir.

Question. I wish you would be a little more specific, if you can, as to what was the purport of the resolutions.

Answer. That was only street talk. I did not hear it from any responsible person. A man is not bound to take street talk for authority.

Question. Did you inquire of Dr. Boyle, or anybody, about it?

Answer. No, sir; I never heard Dr. Boyle say anything upon the subject.

Question. Or any member of the National Volunteers?

Answer. No, sir.

Question. Have you heard any desire, or wish, or intention, on the part of anybody here, or any organization, to interfere with the inauguration of Mr. Lincoln?

Answer. No, sir.

Question. Or with any pageant that might be got up on the occasion of the inauguration?

Answer. No, sir; I have not.

Question. What interference with the people here was expected or apprehended from the black republican Wide-awakes from the north?

Answer. I have not heard of any. I only said that if the Wide-awakes came here and threatened to coerce the southern people, to go south.

Question. Was there any apprehension that they would come here for any such purpose?

Answer. Well, I do not understand your question.

Question. Are you aware that any apprehensions exist in this community?

Answer. The only apprehensions that exist are in consequence of certain speeches made in the Senate and House of Representatives; in the Senate by Mr. Wade and Mr. Trumbull.

Question. And from the speeches of Mr. Wade and Mr. Trumbull in the Senate was it apprehended that there was any intention of the Wide-awakes coming here to interfere?

Answer. Yes, sir.

Question. It does not now occur to me what part of the speeches you refer to; but no matter about that. Has the apprehension got abroad here that there is an intention with the north to come here and interfere with anybody's rights?

Answer. Only from the speeches made in the Senate.

Question. From no other source except that?

Answer. No, sir.

Question. Do you apprehend that there is a determination here to oppose the presence of the Wide-awakes, or any other association?

Answer. No, sir.

Question. What did you mean, then, by the apprehension that the black republican Wide-awakes would come here to coerce the south?

Answer. I supposed this would be in a southern State, if Maryland went out with the rest.

Question. You supposed the black republican Wide-awakes of the north would come here to coerce them?

Answer. Not coerce them at Washington, but go south to coerce them.

Question. You do not mean, then, that there was any idea they would come here to coerce them?

Answer. It is only a prospective idea.

Question. Is there any apprehension in this community, do you suppose, of the presence of any organization from the north coming here to interfere with anybody in the District.

Answer. I do not know of any.

Question. What do you understand to be the purpose of this organization of National Volunteers?

Answer. I do not know anything about their objects; I did not attend any of their meetings?

Question. What did you gather from what you were informed upon the subject of the resolutions?

Answer. The resolutions were published. I have not read them. I can send you a copy of the paper containing them, and you can draw your own inference?

Question. Do not trouble yourself to do that, for we have them. I only wanted to know what your inference was about them, and what you inferred was the intention of this body of men called the National Volunteers in adopting such resolutions?

Answer. They are responsible for their own resolutions.

Question. Of course, I do not think that you are responsible for them at all; I am gathering, if I can, the inference which you drew from the action of this body of men as manifested by their own resolutions; that is all.

Answer. I heard they did not say in their resolutions that they would resist the inauguration of Mr. Lincoln.

Question. I wanted to know what you inferred was their purpose in adopting those resolutions?

Answer. I inferred, from what I heard, that their purpose was to put down any outbreak here; but what was to be the nature of the outbreak I cannot say. You know there has been mob rule in Baltimore city for several years, and there has been some of it here.

Question. Did you understand the resolutions to relate to any anticipated outbreak in this city?

Answer. I have not read the resolutions.

Question. Did you infer from what you had heard of them that they related to any contemplated action of the corps growing out of a disturbance of the peace of this city?

Answer. I have not attended their meetings, and have not read the resolutions.

Question. That is already obvious from your answers heretofore. I beg you to answer my question; and that is, what was your inference from what has been communicated to you of the resolutions. That it had reference to an apprehension of an outbreak merely against the peace of the city?

Answer. Let me hear your question again.

Question. Did you infer, from what was communicated to you of the resolutions, that they expressed the determination of the corps merely to co-operate with the city authorities in keeping the peace of the city against mobs?

Answer. I think that is their object.

Question. Such mobs as have heretofore existed here and in Baltimore?

Answer. Yes, sir.

Question. You think that was the length and breadth of them.

Answer. Yes, sir.

Question. And that they contemplated nothing more?

Answer. That is my opinion, except coercion of the south is attempted.

Question. Do you think these particular mobs depended upon the secession of any particular State, or anything of the kind?

Answer. Well, I do not believe they did.

Question. Then, if the resolutions pointed out any particular course

of action contingent upon the secession of any State, what ground had you to infer that the resolutions had reference to such mobs as had heretofore existed at a time when the question of secession was not mooted?

Answer. I do not understand your interrogatory.

Question. What led you to infer that the resolutions had reference solely to such mobs as had heretofore existed in this city and in Baltimore, when the resolutions contemplated a course of action dependent upon the secession of certain States?

Answer. All I know is just from street talk; I told you from the start that I had not attended one of their meetings; I did not sympathize with them.

Question. I did not inquire as to your means of information, but why you drew an inference of that character from a particular state of facts. I asked you why you were led to believe that they had reference solely to such mobs as heretofore existed in this city and Baltimore, when it depended upon the secession of particular States?

Answer. I told you from the start that if the Wide-awakes from the north came here and threatened to coerce the south, these volunteers would stand up for the south. I stated that.

Question. What you and I both said heretofore I am not inquiring about; but why you drew such an inference as that from the resolutions?

Answer. I told you I had not read the resolutions; that what I had said was on street rumors.

Mr. DAWES. I cannot compel you, of course, to answer my question.

The WITNESS. I answered you as a gentleman, and I expect to be treated as a gentleman.

Mr. DAWES. I will endeavor to treat you as a gentleman; but I claim the right to ask such questions as I desire.

The WITNESS. I have answered you and told you promptly all I know about the matter.

Mr. DAWES. I want you to conform to your position as a witness.

The WITNESS. I have told you all I know from hearsay.

The CHAIRMAN here interposed, and asked to have the question stated to the committee.

Mr. DAWES. The question is, upon what ground he inferred that the contemplated action of the National Volunteers had reference to such mobs as heretofore existed in this city and Baltimore, when the action itself depended upon the course that certain States should take in seceding.

The WITNESS (to Mr. Dawes.) I have told you distinctly that I had heard that the object of this National Volunteer organization was, if the Wide-awakes of the north came here and threatened the southern States, then they would stand up for the south.

The CHAIRMAN. That is hardly responsive to the question.

The WITNESS. I can say no more.

The CHAIRMAN. That has been repeated several times.

The WITNESS. I was not a member of the "National Volunteer" organization. I said it was mere street rumors.

The CHAIRMAN. I understand the point of the question to be this,

and if you feel any embarrassment about making any other answer, if the one you have made is not satisfactory to the member of the committee who put the question, I will submit to the committee whether it is a proper question. I understand that which prompts the question is this: you had stated in a general way that you supposed it was the purpose——

The WITNESS. I did not suppose anything about it. I said it was a mere street rumor. I never conversed with a member of that organization about their object or anything of the kind.

The CHAIRMAN. If you will allow me to state the point. You had stated that you had inferred, perhaps from what you had heard——

The WITNESS. I inferred nothing about it.

Mr. BRANCH. The witness will allow the chairman to state what he means.

The CHAIRMAN. The inference that I stated was merely upon street talk. I do not mean to represent that you had any inference based upon anything other than what you stated; there is no trouble about that. Your impression from street rumors and what you had heard said about the resolutions, which you distinctly said you had not read——

The WITNESS. I will correct you. I have had no impression about it.

The CHAIRMAN. Well, whatever you did say about it with reference to what you had heard said.

The WITNESS. Yes, sir; merely street rumors.

The CHAIRMAN. You supposed that their object was to aid in keeping down mobs, just as mobs had been kept down heretofore in this city and in Baltimore?

The WITNESS. Yes, sir.

The CHAIRMAN. That was all very well. In another part of your examination you seemed to have the impression or inference, from these same street rumors, these same vague rumors, that in case the Wide-awake mobs came here to coerce the south the National Volunteers would take part with the south.

The WITNESS. I said "march to the south."

The CHAIRMAN. And the drift of the question was for you to explain what you meant by these two things; having expressed your idea that they were to put down mobs of the ordinary character, the question was how these two things were to be reconciled?

The WITNESS. It would be the same as a mob of Know-nothings heretofore.

The CHAIRMAN. No matter who got up the mobs; they were ordinary mobs that pertain to the city, the ordinary rabble, and it seems to me that the question is proper, with a view to give you an opportunity to reconcile the two ideas.

The WITNESS. I have answered it to the best of my ability.

Mr. DAWES. I put the question as I am in the habit of putting them, and as I think I had a right to do.

The CHAIRMAN. Perhaps this difficulty arose in part from pursuing the examination in a pretty extended way, in explanation of a remark that was stated to be based upon rumor. Still it strikes me that the question was competent in that point of view.

The WITNESS. I know some of the gentlemen whose names have been published in connexion with these National Volunteers who are highly respectable gentlemen.

The CHAIRMAN. No doubt about that.

The WITNESS. And I believe as good citizens as we are.

Mr. DAWES. If the committee think the question is a proper one, I would like an answer to it. I do not wish to consume the time of the committee, nor do I wish anybody but the committee to prescribe such questions as I shall put.

The CHAIRMAN. It struck me that the question itself was competent; and it struck me also that the disposition of the witness was to answer it; but whether his language conveyed an answer or not is, perhaps, doubtful.

The WITNESS. I gave all the answer I could.

The witness was requested to retire from the room, which he did.

After consultation on the part of the committee, the witness was recalled.

The CHAIRMAN (to witness.) This whole difficulty seems to have arisen from a misapprehension, for I do not think there is any member of this committee that has the slightest fault to find with you, and the disposition to answer fully and fairly that you have exhibited from the first. We still think the question, whether susceptible of a full answer or not, was competent. Therefore the clerk will read over the question to you, and you will answer it just as fully as it occurs to you, or leave it as it is now, as it is not a very important matter any way.

The clerk read as follows from his short-hand notes:

"The question is, upon what ground he (the witness) inferred that the contemplated action of the National Volunteers had reference to such mobs as heretofore existed in this city and in Baltimore, when the action itself is dependent upon the course that certain States should take in seceding?"

The WITNESS. I stated this: that if the Wide awakes came from the north—and of course it is common talk that the Wide-awakes were coming here. I do not know that they are coming; it is only the common talk.

The CHAIRMAN. All based upon rumors.

The WITNESS. Rumors and sensation articles in newspapers. I stated that if the Wide-awakes came from the north and threatened to coerce the south, and threatened to march south to coerce the southern States, these "National Volunteers" would stand up for the south.

The CHAIRMAN. That in one case it would be one thing, and in another case it would be another thing.

The WITNESS. Some of these National Volunteers are citizens of Washington, are property-holders here. I have not read the resolutions, or attended their meetings. I know of no organization that would interrupt the inauguration of Mr. Lincoln.

Mr. COCHRANE. Do you not mean that you heard that they will abide by and defend the south; and if men come from the north to menace them, they will attack them.

The WITNESS. Yes, sir; that is my inference; they will defend the south if attacked.

No. 13.

THURSDAY, *January* 31, 1861.

JACOB THOMPSON sworn and examined.

By the CHAIRMAN:

Question. The single point of inquiry that we have is this: a resolution was referred to this committee last Saturday, prompted, I suppose, by those ten thousand rumors that are afloat, and which may do mischief, if ever so false, and which will certainly do mischief if true; and the object is to get some accurate information about their falsity or truth, as the case may be. The single point is this: whether, from your long connexion with the city here, and your official position, or otherwise, you know of the existence of any organization that has for its object an attack upon any of the public property here?

Answer. I will have to answer that question directly, that I know of none whatever; and, so far as my knowledge goes, I believe there is none in existence.

Question. Neither secret nor otherwise?

Answer. Yes, sir; so far as my knowledge extends; of course my answer means secret or otherwise.

Question. And has not been at any time during all this excitement?

Answer. Not to my knowledge.

Question. Or belief?

Answer. Or belief that such an organization was ever formed.

Question. Did you, soon after the election, hear various persons express themselves upon the subject of in some way or other preventing the inauguration of Mr. Lincoln; and if so, how, or in what mode?

Answer. Soon after the presidential election it was a question frequently discussed by individuals in my presence, in which discussions I participated, as to the mode by which the inauguration of Mr. Lincoln could be defeated, or, in other words, how the rights of the south could be maintained in the Union. Some proposed that it should be done through the agency of Congress, by refusing to count the votes, or by the refusal of the Senate to meet the House of Representatives to count the votes for President and Vice-President. These were mere discussions. I heard some discussion as to organizing a force by which his inauguration could be prevented. As soon, however, as the States separately took up the subject and began to act, and some of them actually seceded, these modes of defeating the inauguration of Mr. Lincoln, and all modes of using violence in the matter, have, so far as I know, ceased to be subjects of discussion. I do not believe that force is contemplated, or that either house of Congress contemplates irregular action to defeat the inauguration of Mr. Lincoln.

Question. Or that it would be likely to be interrupted by any force from outside?

Answer. Or that any force is contemplated to be brought upon the city.

Question. Either in counting the votes or in the inauguration?

Answer. In neither.

Question. I might ask you whether you had any apprehension that, from States or otherwise, there was any danger to the arsenal here, including the arms? They are a kind of public property that is, perhaps, somewhat peculiar, and things that they might want to use. You include the navy yard and the arsenal in your answer to my first question?

Answer. I do not know of any contemplated violence, nor do I apprehend that any will be made, either against the navy yard, arsenal, or Capitol.

Question. Or any of the public buildings?

Answer. Or any of the public buildings.

Question. Or the peace of the city of Washington?

Answer. I do not believe the peace of the city is now, or will be endangered, except from rowdies into whose hands arms may be placed by the authorities.

Question. You have heard, doubtless, at least you have read in the newspapers, probably, about an organization called the "K. G. C.," or Knights of the Golden Circle?

Answer. I know it through the newspapers.

Question. Have you any knowledge as to whether that organization has an existence in this city?

Answer. No, sir; nor have I any knowledge of its existence anywhere, except through the papers.

J. THOMPSON.

No. 14.

THURSDAY, *January* 31, 1861.

CHARLES P. STONE sworn and examined.

By the CHAIRMAN:

Question. Do you reside in this city?

Answer. I do.

Question. Are you connected with the army in any way?

Answer. No, sir; I have resigned from the army.

Question. You were formerly an army officer?

Answer. Yes, sir.

Question. Are you at present charged with some duties touching the organization of the militia of this city?

Answer. I have recently been appointed inspector general of the militia.

Question. In your capacity as inspector general, or as a citizen, or otherwise, have you acquired any knowledge touching any organiza-

tion in this city that has for its object an attack upon any of the public property or the peace of the city?

Answer. I have had a vast number of intimations brought to me.

Question. I will confine the first question to actual personal knowledge of the existence of any organization?

Answer. Which I know to have for its object or intention the troubling the public property here?

Question. Yes, sir.

Answer. I have no personal knowledge of any organization whose object I know to be the seizure of the public property or the disturbance of the public peace.

Question. Will you state generally what you mean by having received intimations?

Answer. Remarks made to me by various gentlemen, information brought to me from a great number of sources, and some written communications which have been made to me.

Question. Are those written communications anonymous?

Answer. Some of them I have known from whom they came; there are some anonymous.

Question. That is, if the name was not attached to the letter, you knew from whom it came?

Answer. Yes, sir, I had means of knowing.

Question. Were they generally from persons whom you knew and had confidence in?

Answer. I have had them from those I knew and had confidence in, and I have had them from those I knew nothing about, and knew nothing of their credibility. I might state here, in order to save the time of the committee, that I believe every material fact that has come to my knowledge has been communicated to General Scott; and you will probably have before you, in the examination of General Scott, all the information that I can give the committee.

Question. Then you can give no information to the committee touching these intimations, as you call them—and perhaps that is the best word—beyond what you have communicated to General Scott?

Answer. Everything that I have conceived to be material I have communicated to General Scott.

Question. As my first question related to your positive knowledge in reference to an organization, and as this is an inquiry rather than a demonstration of fact, perhaps it would be proper to ask you whether all these intimations taken together have produced any decided belief in your mind that such an organization does or does not exist? State what your belief is.

Answer. The effect produced on my mind, after all that I have heard, is, that it would certainly be the part of a prudent government to take precautionary measures to protect its public buildings, its archives, seals, &c.

Question. You have some knowledge, I suppose, of a military company here called the National Volunteers?

Answer. As I understand it, it is hardly a military company. I know of an organization called the National Volunteers, and I have heard a great deal about them.

Question. Will you explain what you mean by saying that they are hardly a military company? Do they not drill and have arms?

Answer. I have no information that they have arms. That they drill, I am informed; of my own knowledge, I do not know even that. I have received intimations that they have drill officers appointed for them.

Question. If it is hardly a military organization, what do you understand it to be?

Answer. I have understood that it was originally a political organization. I have understood, also, that its character has been attempted to be changed, at least by some of its members, and perhaps rather a more military tone given to it than it formerly had.

Question. In view of the troubled state of the country?

Answer. Yes, sir.

Question. It was originally, according to your view, a political organization?

Answer. As I have been informed.

Question. According to your information, it was originally a political organization, perhaps something of the nature of the Wide-awakes.

Answer. Yes, sir, that was my conception of it.

Question. I do not mean that they sympathized with the Wide-awakes at all.

Answer. No, sir; but an association for similar purposes.

Question. In your allusion to a recent attempt to make it more properly a military organization, or to give it a more military character, did you base your remark upon what has appeared in the papers in regard to the resolutions of the association?

Answer. No, sir; I based it upon information brought to me by individuals.

Question. Can you state what the extent of this information is, or rather to what extent they have sought to make it a military organization?

Answer. I have been informed that they have appointed what are called drill sergeants; I have been informed also that they have tried to procure arms; I have been informed that a gentleman in this District had agreed to procure arms for them.

Question. Have you been informed that they entertained purposes of hostility towards this government in any shape?

Answer. I have been so informed; yes, sir, under certain circumstances.

Question. What were those circumstances?

Answer. I have heard various statements. It has been stated to me that they would, for instance, in case of an opportunity, oppose the inauguration of Mr. Lincoln.

Question. What are your sources of information?

Answer. I suppose the committee requested me to state all I had heard about it. I have not heard that in such a distinct manner, and from such a source as would do anything more than make me attempt to take a slight precaution against it. I do not consider it as entirely reliable information.

Question. Very vague.

Answer. Very vague, indeed; exceedingly vague.

Question. Have you read in the papers what purported to be resolutions passed by this company?

Answer. I have.

Question. Have you read them with some attention?

Answer. At the time I did.

Question. Did you attach any importance to them, putting them with all that you knew and had heard about them?

Answer. The most I have heard has been since that time.

Question. And you considered vague whatever information you had received about their entertaining hostile purposes towards the government or the peace of the city?

Answer. Yes, sir; I have been informed that it has been asserted in one of the meetings of that association that there were in this town some 1,500 men who could be depended upon to take this city. Of that much I have been informed.

Question. You have been informed that that was asserted in their meeting?

Answer. Yes, sir.

Question. Can you give the date of that meeting?

Answer. I cannot.

By Mr. BRANCH:

Question. What is the name of the individual making that assertion?

Answer. It came second-hand to me.

Question. Who told you?

Answer. The person who gave me the information that that assertion was made was Mr. Hanscom.

Question. A newspaper writer here?

Answer. Yes, sir.

Question. Did he tell you his authority?

Answer. He did not give his authority.

Question. Did Mr. Hanscom inform you that he had been in the meeting and heard the assertion made himself?

Answer. No, sir.

By the CHAIRMAN:

Question. Have you any other knowledge or information touching this company that, so far as you can judge, it is important to communicate to this committee?

Answer. I think I have stated the most important matters that I have heard in relation to the organization—the most distinct points. I have had, I presume, a hundred communications made to me concerning the organization. But those that I have stated were the most distinct points. As I understand it, your inquiry only refers to the organization in the District of Columbia.

Mr. BRANCH. We desire also information of any other organization outside of the National Volunteers having for its object hostility to the government.

The CHAIRMAN. It is equally as important that we should know in regard to any other organization, civil or military.

Question. Communicate any information that you have which you deem important touching any organization.

Answer. I have heard that arms were promised to this organization by a connexion of Governor Wise, of Virginia.

Question. A member of the company?

Answer. He has been stated to me as connected with the organization.

Question. Do you get this information from what you deem a reliable source?

Answer. That, like most of the information I have received, came second or third hand to me. And in all these matters I conceived it exceedingly difficult to place reliance upon the reports that come to one's ears.

Question. Will you state who that person was?

Answer. He was stated to be Dr. Garnett, of this city.

By Mr. BRANCH:

Question. Did Dr. Garnett inform you of that?

Answer. No, sir; I was informed, second or third hand, that Dr. Garnett, the son-in-law of Governor Wise, agreed to furnish arms to them. That is the way it comes to me; the same as the other rumors came. I never placed much reliance upon any of these rumors.

CHAS. P. STONE.

No. 15.

THURSDAY, *January* 31, 1861.

BENJAMIN BERRY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Montgomery county, Maryland, about thirteen miles from here.

Question. Are you pretty extensively acquainted here in this city?

Answer. I know a great many persons; I cannot say I am very extensively acquainted.

Question. Do you know of any organization in existence in this city having for its object any depredation or attack upon any of the public property of the United States here?

Answer. I do not.

Question. Or in any way interfering with the operations of Congress, or the peace of the city?

Answer. Not at all.

Question. You have no knowledge upon the subject?

Answer. No, sir; I know nothing, or very little, about the organizations in Washington?

Question. You are the captain of a military company in the place where you are resident?

Answer. I have been elected captain.

Question. A company has been regularly organized there?

Answer. Yes, sir.

Question. And it is organized under the regular laws of Maryland?

Answer. Yes, sir.

Question. A company the members of which hold themselves in readiness to report to the governor or the authorities of Maryland?

Answer. That will depend upon circumstances. We are not liable to the call of the governor at present, of course, under some circumstances.

Question. If you obtain arms at the public expense, you would get them from Maryland?

Answer. Yes, sir.

Question. Is your company an infantry company?

Answer. Yes, sir; we could raise a much larger number of men, and equip them at less expense, as an infantry company than as cavalry.

Question. What were the main objects in organizing the company?

Answer. To protect the interests of slaveholders generally.

Question. At home?

Answer. Yes, sir; and abroad, if necessary.

Question. Had it any sort of reference, so far as you know, to any attack upon this city?

Answer. No, sir; not in its organization. We took Crittenden's resolutions as a basis. They were rejected in Congress, and I do not know what is relied upon now; the country is in such a disturbed condition, waiting for the Congress to do something. The expectation of the whole of Maryland is centred here now upon the conservative spirit of Congress. If they do not do something for them, Heaven only knows where it will end.

Question. You have stated very broadly that your company had no connexion with any organization here?

Answer. None that I know of.

Question. But, as a matter of sentiment, they adopted the Crittenden resolutions?

Answer. Yes, sir; we were satisfied with that, and took it as an ultimatum.

Question. Have they, by any formal action—by the vote of the officers or signers—indicated what they would do in case secession were to become general?

Answer. They are subject to the orders and command of their officers altogether. They look to me for information, and, I believe, as far as I can ascertain, are at my bidding.

Question. Did you apprehend any peculiar danger to the interests of slaveholders in Maryland at this time?

Answer. We not only apprehended it, but we feel its consequences very seriously in the great depreciation of negro property and real estate. I consider that I am worth $10,000 less to-day than I was this day twelve months ago.

Question. Owing to the depreciation of property?

Answer. Yes, sir.

Question. And you attribute this depreciation mainly to political excitement?

Answer. Yes, sir; to Mr. Lincoln's election, I think, and the action the south has taken in the matter. I think there is not the least doubt that Maryland will go with the south.

Question. That is, if a separation takes place?

Answer. Yes, sir.

By Mr. REYNOLDS:

Question. You stated that you had taken the Crittenden resolutions as an ultimatum. I do not understand exactly what you mean by that.

Answer. I will explain with pleasure. I think that Maryland would go for the Crittenden resolutions—would indorse them—take them as a compromise. She is anxious and willing for a compromise, being a conservative State. I think it would have been very gratifying to her to have effected a compromise on the basis of those resolutions, so far as I have been able to judge and ascertain the feeling of her people. I am a native of Prince George's county, the largest slaveholding county in the State, and I know the sentiments and feelings of the people there. I have numerous relatives living there, slaveholders—large property-holders—some of them worth as high as $500,000. I know their feelings, have lived among them, and was raised among them.

Question. It was with reference to your own action, as commander of this company, that I asked. Suppose the Crittenden resolutions should not be adopted by Congress, what then?

Answer. I do not know. I am ready to act with Maryland. If they should not be adopted, I should act with the slaveholders, with Maryland.

Question. Is your company organized in view of that contingency?

Answer. In view of any contingency that might arise, when the day of compromise is past, if there is no compromise to secure such rights as should be secured to us.

Question. Then your company is organized for the purpose of maintaining those rights?

Answer. Certainly; unquestionably.

Question. At all hazards?

Answer. Yes, sir.

Question. Has your company ever contemplated, in that contingency, an assault upon this city?

Answer. They are looking to the conservatism of Congress for a compromise. The people are very anxious, indeed, to know what Congress are doing. They look hopefully to Congress, as if it was the last hope; and I believe the majority of the people of Maryland would be perfectly desperate if nothing is done for them.

Question. That is not exactly the point I desired information about, but the action of your military organization, in the contingency that Congress does not agree with you on that question; whether your or-

ganization contemplates, in any contigency, any action against this Capitol?

Answer. Not that I am aware of, as yet; prospectively, I cannot say. I only speak for the present. For the present there is no such thing in contemplation, to my knowledge. I am a Union-loving man myself; I would go as far as any one else for the Union—as far as my representative here, Colonel Hughes, to save the Union. I had quite a long conversation with him yesterday. He knows the feelings of the people in the section from which I come.

Question. Then, you say distinctly that this organization is not got up with any view, in any contingency, to make any assault upon the capital, or to join in any assault upon the capital?

Answer. I cannot say in any contingency; I merely wish to speak for the present. I wish to be distinctly understood upon that point. I say that at present there is no such thing in contemplation. If Maryland and Virginia go with the south, I do not know what may arise between now and the 4th of March. I feel bound to act with the south and southern interests. I do not know that there is anything in contemplation. I am sure I will not be a mover of anything of the kind. I will merely go with the tide.

Question. Has your company arms?

Answer. No, sir, not yet. I should have gone over to Annapolis yesterday if I had not been summoned here.

Question. How long has this company been organized?

Answer. About a month—three or four weeks.

Question. At whose suggestion was the organization got up?

Answer. I think I can take the credit or discredit, as the case may be, of suggesting the idea. My company was not the first company organized. It was after numerous companies had been organized, not only throughout Prince George's, but other counties. It is as young a company as I know of in the county in which I reside.

Question. Do I understand you to say that it was got up on your own motion, or did any gentleman suggest to you the propriety of organizing it?

Answer. I talked with gentlemen in the neighborhood. I thought we ought to have a company to act as a home guard, and to meet any emergency that might arise. I did not like other districts to get the start of my own district; and with that view I undertook to organize the company.

By Mr. BRANCH:

Question. I understand you to say that whatever your company may ultimately do, it is not got up especially with reference to making any attack upon this Capitol at all?

Answer. Certainly not.

Question. Got up for purposes of home defence against John Brown raids, or whatever else may arise?

Answer. Yes, sir; that is all.

Question. Under the code of Maryland, if you get arms from the State, you are subject to the order of the governor, are you not?

Answer. Yes, sir; under ordinary circumstances we are subject to

the order of the governor of Maryland, provided the governor of Maryland is not overridden by the popular feeling.

Question. I mean according to the code of laws of Maryland.

Answer. Yes, sir; according to the code. But the people of Maryland are holding their district meetings, and urging upon the governor the necessity of an extra session of the legislature. Notwithstanding the governor may not sanction the call of the legislature, still it can be done by the voice of the people, who can override the governor. I think that is now going on in the lower counties.

Question. If your company accept arms from the State, I suppose you accept them with the knowledge that you come under the provisions of the code, unless they are subsequently repealed?

Answer. We can accept arms from the State and not be obliged to fight against our feelings and consciences, because that would be too arbitrary. I am a tax-payer myself, and have been for a number of years, and I help to support the State, and therefore I can receive arms and not feel any compunctions of conscience in dissenting from the governor.

Question. Those who choose to remain members of the company after receiving the governor's orders are bound to obey him, according to the code of law as it now exists; they can, of course, by withdrawing from the company, free themselves from that?

Answer. They can make known to the governor their opinions, if he orders them to do what is not according to their feelings and views. The captain and officers generally can throw up their commissions.

By Mr. REYNOLDS:

Question. In that view, would you keep the arms?

Answer. Yes, sir; we give security to the State for the arms, of course.

By Mr. BRANCH:

Question. Is Governor Hicks regarded, in your section, as hostile to the Union?

Answer. No, sir; I think not.

Question. He is generally regarded there, by your company and by others, as a friend of the Union and a friend of the existing government?

Answer. There is a conflict of opinion there. My district is largely democratic. There are upwards of 700 votes polled there, and at the last election there were only forty of them—and that was owing to Mr. Blair's influence—cast in favor of Mr. Lincoln. The Bell and Everett men, the Union men, I believe, coalesced pretty generally with the Democrats. You had a gentleman here yesterday, Mr. Hicks, who was a strong Bell and Everett man.

BENJAMIN BERRY.

No. 16.

FRIDAY, *February* 1, 1861.

ENOCH LOUIS LOWE sworn and examined:

By the CHAIRMAN:

Question. Are you native of Maryland?

Answer. I was born in Frederick county, Maryland.

Question. Have you always lived in Maryland?

Answer. Yes, sir; all my life, with the exception of six years that I spent in Europe; I was educated in Europe.

Question. You are, therefore, very well acquainted in Maryland?

Answer. Yes, sir; I know the people of Maryland thoroughly.

Question. Are you also well acquainted in this District?

Answer. I cannot say that my acquaintance here is very general; I know a great many people here, but I am not acquainted with the great bulk of the population here; but I have canvassed Maryland four or five times, and I know the people in all the counties, perhaps, as well as any man in Maryland.

Question. Will you state whether you know of any organization in this District that has for its object the taking or holding any of the public property here as against the United States?

Answer. I do not, except public rumors.

Question. These sensation articles in the press?

Answer. Simply those; nothing more than what you have seen yourself in the public papers and general hotel talk; I do not consider public rumor to be any knowledge.

Question. The question was designed to be limited to your own knowledge.

Answer. I do not know of any such organization.

Question. Do you know of the existence of any such organization, secret or open, civil or military, whose object is to do such a thing in any contingency; for instance, in the contingency of the secession of Virginia and Maryland?

Answer. I know of no such organization; but I will say this, that I have not the slightest doubt that if Maryland does secede she will claim her rights here, and I will advocate them.

Question. So far as the possession of the District is concerned?

Answer. Yes, sir; peaceably if possible, forcibly only as a last resort; that is, provided Maryland shall resume her State sovereignty. I presume that then she will claim all the rights she is entitled to; but not by secret conspiracy, but by open and manly action. This is only my opinion; I have no authority to speak for her people.

Question. Do you include among those rights the possession of the public property in this District?

Answer. I think that is a matter for negotiation in the event of a dissolution of the Union; I think by the fact of dissolution, and the fact of Maryland's separate secession, if that should ever take place,

then, as a matter of course, by the common law, the District would revert to Maryland

Question. That is, the jurisdiction would revert to her?

Answer. Of course; the public buildings on the soil, the improvements made by the United States, would be a matter of negotiation; but understand me to say distinctly that I know of no organization, no purpose, no design, no combination whatever, existing at this time, either for the present or the future, with any object of that kind; I only express my opinion as to what would, in all probability, be the course of Maryland if she assumed the position that has been assumed by other States. That is merely my opinion.

Question. By way of understanding what you mean to say is your opinion, would you limit any resumption of rights on the part of Maryland by political action, as secession for instance, to political rights touching the jurisdiction of the territory formerly ceded to the United States; or would you extend it to such property as the United States now own the fee of, and have erected buildings upon?

Answer. In the first place, I want it understood that my answers to these questions are voluntary, because I do not recognize the authority of this committee to propound inquisitorial questions to me in regard to my opinions; therefore any answer I may give is to be construed as a voluntary answer, simply to prevent the possibility of a suspicion that I would conceal any opinion I entertain.

Question. My last question, if I made myself understood, related rather to an explanation of your answer to a former question than otherwise.

Answer. Well, sir, I do not know what course Maryland would pursue in any contingency. I am not authorized to speak for her, and she has not been allowed to speak for herself by her constituted authorities. When she does speak for herself I, as a loyal citizen, will be governed by her voice. I suppose the State of Maryland, in the event of her secession, as a matter of course, would claim the reversion of the District, which was granted to the United States for specific purposes, which purposes would then have failed. As to her then claiming, by virtue of that reversion, an absolute interest in all the public buildings here, paid for out of the common fund of the Union, I would say emphatically that she is too honorable for that. I do not presume any other State would do so. I am not aware that any seceding State has done so. I only speak of my opinion of the honor and integrity of my section. I think that is sufficiently distinct. I wish it also to be inserted in the record that this is not to be construed as indicating, on my part, an opinion of any present purpose on the part of Maryland to secede. I have no idea there is any opinion in the minds of the people, or any desire, at this time, for secession. I am not, at this time, an advocate for secession. On the contrary, I am opposed to it if a peaceable and honorable adjustment can be obtained. I only speak of the contingency which you submitted to my consideration. My position is so well known in Maryland, by my publications and speeches, that I suppose it is almost impossible, even if a mistake was made in this record, for the public at home not to understand me. And I will say, in that connexion,

that I believe whatever course is pursued by Virginia will be concurred in by Maryland. No power can separate Maryland from Virginia.

Question. Have you ever been sent to this city on the part of any meeting, or any considerable number of the citizens of Maryland, in connexion with other gentlemen, as a committee to consult with any person or persons about taking any of the public property here by force in any contingency?

Answer. No, sir.

Question. You say you never have come as one of a committee for that purpose; have you ever as an individual?

Answer. No, sir; in no manner whatever. I am aware that the false rumors upon which this last question is based, grew out of an accidental circumstance, which was this: the electors of the State of Maryland met at Annapolis for the purpose of casting the electoral vote of Maryland, and several of them, desiring to be presented to Mr. Breckinridge, for whom they had voted, intimated a wish that I would accompany them to this city to introduce them. I came for that purpose. Whilst here we held an informal meeting, finding a number of eminent men from Maryland here, at the National Hotel, I think, for the purpose of consulting in regard to the most efficient means of obtaining from Governor Hicks a call for the convening of the legislature, through the instrumentality of county conventions, and to make arrangements for calling those conventions. It was altogether an informal, accidental meeting, and that was its sole purpose. That purpose was carried out, which Governor Hicks totally disregarded. The purpose was to give the people of Maryland an opportunity to speak for themselves, and I will say here that they will do that either with or without his permission. I heard shortly after this meeting was held here that the character indicated by your question had been given to it. It was totally untrue in every respect. The meeting was held with open doors, and several gentlemen whom I did not know came in during the course of the evening; and gentlemen very frequently expressed their personal opinions as to what Maryland ought to do in certain cases. We were all, I think, unanimous (and I am now of the opinion) that Maryland ought to secede whenever Virginia does; and I have said so to my people, though I hope most earnestly that an occasion or necessity for it never may arise.

And now let me say, gentlemen, that there is a feeling throughout the whole body of the people of Maryland, as indicated not merely by the public expressions of her public men, by the resolutions of public meetings and conventions in the counties, one of which is reported in the Baltimore Sun of this morning, but also by the indignant denunciations uttered by the masses of her people, that this whole report in reference to a combination on the part of her citizens to seize the Capitol and prevent the inauguration of Mr. Lincoln is a premeditated and scandalous libel upon the honor of our State, in which opinion I fully concur; that it has been gotten up within the State of Maryland for ulterior purposes, affecting her interests and her destiny. Here, in the Baltimore Sun of this morning, is the report of a meeting in Prince George's county, and here is a synopsis of their resolutions,

one of which is "denouncing Governor Hicks's representations that the people of the State intended to seize the district by force." Here is a denunciation by one county in which the whole State coincides. Our belief is that it is a pretext for the purpose of gathering an armed force in the city of Washington, not for the protection of Mr. Lincoln, but to overawe the people of Maryland hereafter; another purpose is, as we believe, to create a panic among the timid portion of the people of Maryland, and thereby induce them to sustain the policy of refusing the privilege to her people of being heard at the ballot-box in this crisis.

And I will say further in that connexion that I have never heard of any single, solitary individual in all Maryland, up to this hour, who has asserted as a fact, and not simply rumor, that there was any such organization for any such purpose, other than Governor Hicks in his official proclamation to the people of the State, and which I hold in my hands. It is dated the 3d of January, 1861, and in it he holds the following language:

"But, my fellow-citizens, it is my duty to tell you that the reassembling of the legislature is wished for by many who urge it with a view to no such specification. I have been repeatedly warned by persons having the opportunity to know, and who are entitled to the highest confidence, that the secession leaders in Washington have resolved that the border States, and especially Maryland, shall be precipitated into secession with the cotton States before the fourth of March. They have resolved to seize the federal Capitol and the public archives, so that they may be in a position to be acknowledged by foreign governments as the 'United States,' and the assent of Maryland is necessary, as the District of Columbia would revert to her in the case of a dissolution of the Union. It is only contemplated to retain it for a few years, as the wants of the southern military confederacy will cause its removal further south. The plan contemplates forcible opposition to Mr. Lincoln's inauguration, and, consequently, civil war upon Maryland soil and a transfer of its horrors from the States which are to provoke it."

Now, sir, as a citizen of Maryland, who has been frequently honored by the public confidence, and who is well acquainted with the sentiments of her people, as an act of justice to my native State, I respectfully request this committee to summon Governor Hicks before them and demand from him the authority and proofs upon which he has made that statement.

Question. This statement in his proclamation of the 3d of January?

Answer. Yes, sir; and if you will read that proclamation you will find that that is one of the principal reasons he addresses to the people to induce them to sustain his policy, and which I say is emphatically unjust to our people, as not allowing them to settle their destinies for themselves.

Question. How long ago was this informal meeting here in this city which you have described?

Answer. It was the day after our meeting at Annapolis to cast our electoral votes. The law of Congress fixes that day. I think we

came over here the morning after, and it was that evening that we had the meeting.

Question. It was early in December, then?

Answer. Yes, sir. It was purely accidental. We met a number of gentlemen here—the president of our State senate and a number of other eminent gentlemen—and we thought it was a good time to consult together, as we were all of the same way of thinking, as to the best mode of inducing or compelling Governor Hicks to call our legislature together; to get up county demonstrations to compel him to do what we considered his duty to the people of the State. That was the sole purpose. There were many things said there in the way of private opinion relative to the ulterior course of Maryland, but nothing touching any arrangement or combination having for its purpose the subject-matter of your inquiry here. I assure you there is not one word of truth in it, I am satisfied.

Question. Did these gentlemen at that time visit, in a body, Brown's Hotel?

Answer. No, sir. This meeting was held in a large room at the National—I think they call it the "club room." The hotel was very crowded, and we were put in that room; some half a dozen of us were put there. We held the meeting in our own room. I do not think I have been at Brown's Hotel for two years. I have no recollection of it it I have. I know of no other meeting than that. That is the only meeting I have any knowledge of, here in Washington city, for that or any other purpose.

Question. Do you know General Clark, a member of the House from Missouri?

Answer. I have seen him, and I think I have been introduced to him, I am not certain. But I can say that I have no acquaintance with him.

Question. Were you in his room in this city some time about the first of January or the last of December?

Answer. I have no recollection of it.

Question. I was under the impression that his room was at Brown's Hotel, and I think you stated that you have not been there for some time.

Answer. I have not been at Brown's Hotel, I cannot say for how long. I always stop at the National when I am here. I am very certain that I was not in General Clark's room if he stops at Brown's Hotel.

Question. At no time?

Answer. I have no recollection whatever of being in it at any time.

Question. Do you know whether Mr. Stewart, a member of the House, boards at Brown's Hotel?

Answer. When I was here on that occasion, I think he was stopping at the National. I saw him at the National on that occasion; he was in the room with us.

Question. When were you governor of the State of Maryland?

Answer. I was elected in October, 1850, and inaugurated in January, 1851, and served until January, 1854. Under the old constitution the term of service of the governor was three years. Under the

new constitution, which went into effect during my term, the term of the governor is four years.

Question. Can you state whether any other ex-governor of Maryland was with you on the occasion of your visit here?

Answer. Yes, sir; Ex-Governor Philip Francis Thomas was with us in that room. He was there, in fact, through my instrumentality; at least I suppose so, as I sent to invite him.

Question. He was recently Secretary of the Treasury?

Answer. Yes, sir; he was my immediate predecessor in the office of governor. His presence at our meeting, I suppose, occurred in this way: after I met Mr. Brooks on the street, who was the president of our senate, I sent some one, I do not remember whom, to Governor Thomas, who was then Commisioner of Patents here. He being a Marylander, having been governor of our State, and knowing that he concurred with me in opinion, I sent to him to request him to come down to our room that evening. Whether he came in pursuance of that invitation, or upon the invitation of others, I cannot say. But it is more than likely that he came in pursuance of that invitation. I was myself principally instrumental in getting up that meeting. Upon my arrival at the National I found that several prominent Marylanders were there, and I suggested to them that the electors had come over for the purpose of seeing Mr. Breckinridge, and that as we happened to meet, we ought to have some consultation as to the future policy of our State. I know nothing of any other meeting, and never heard of any other. Not only was I not present at any other meeting, but I have never heard of any other meeting in the city of Washington than the one I have spoken of.

Question. Have you any information touching any representations that may have been made to Governor Hicks, or any other person in Maryland, except this proclamation?

Answer. None in the world. I know nothing of Governor Hicks, except what I have seen in the press.

Question. And you have nothing more to communicate than these paragraphs from Governor Hicks's proclamation?

Answer. None at all. I have heard that in one or two other public communications he has made similar announcements, but I have not seen them, or if I have, they have escaped my recollection.

Let me say, in conclusion, that I am thoroughly acquainted with the people of the State of Maryland. I know thousands of them personally. I am intimately acquainted with nearly all her public men who entertain my political opinions; I am in frequent intercourse with them. I think I am well acquainted with their sentiments and their views, and I am perfectly confident that no organization such as that referred to in the inquiry here has ever been contemplated by any responsible parties within the State. From my knowledge of the character of the people of Maryland, I believe they would despise and scorn a secret conspiracy, being possessed of the moral and physical courage to vindicate their rights openly, with arms in their hands, whenever occasion demands; of which occasion the people of the State of Maryland are the exclusive judges, and which they will determine upon in defiance of internal or external suppression or coercion.

Question. Or in *other* words, if there should be any collision, their action will be under State authority rather than under any voluntary organization, secret or otherwise?

Answer. Of course, any such action would be by and under State authority, that is, the authority of the people acting in convention or otherwise as they shall deem best; I do not mean by submission to the present acting authorities of Maryland, but by the action of the people themselves; not by irresponsible men in secret conspiracy. Whatever the people do will be openly done.

By Mr. DAWES:

Question. Do you think that in the event Maryland should secede, and in the absence of any attempt to coerce her into the Union, she would undertake to assert her jurisdiction over this District by force if necessary?

Answer. Really that is a question that it is impossible for any man to answer at this time. I am satisfied that Maryland will not, in any event, fail to do all in her power, first to preserve the Union upon the complete recognition of her constitutional rights, and only leave it in company with Virginia and the other southern States, and then peaceably if possible. If she leaves it, I have no doubt she will assert all legal claims with moderation, but with courage and unalterable firmness of purpose.

E. LOUIS LOWE.

No. 17.

FRIDAY, *February* 1, 1861.

CORNELIUS BOYLE sworn and examined.

By the CHAIRMAN:

Question. You are an old resident of this city, are you not?

Answer. I was born in Washington.

Question. And have resided here ever since?

Answer. Yes, sir.

Question. Are you a practicing physician here?

Answer. Yes, sir.

Question. Your acquaintance here, then, is very extensive?

Answer. Yes, sir.

Question. And you have as good means of knowing what is going on here among the citizens of Washington as anybody?

Answer. I have every opportunity, I think. My acquaintance is large, and I move about a great deal.

Question. You know all the old citizens proper here?

Answer. Yes, sir; almost every one.

Question. Do you know of any organization in this city, either secret or otherwise, that has for its object any hostilities towards the government property here?

Answer. I do not.

Question. Or against the peace of the city?

Answer. No, sir.

Question. Do you know of any such organization that has for its object to do that in any future contingency whatever?

Answer. I do not.

Question. Do you know of any considerable number of individuals here unorganized that have any such purpose?

Answer. I do not.

Question. Do you believe that any such organization exists?

Answer. I do not.

Question. So far as you know, is there any purpose, on the part of anybody, to seize violently either the navy yard, arsenal, Capitol, or any of the executive buildings in this city?

Answer. I think not. I have never seen anything more about it than you have, such as sensation articles in the newspapers.

Question. You have no information about it more than what appears in these sensation articles?

Answer. No, sir.

Question. Have you ever heard anybody here ever threaten to do that?

Answer. I never have. I have heard people say, "Damn the government! it ought to be blown up!"—people on the street. I do not remember who they were, as I paid no attention to them. I was in Brown's one night, and I heard three or four persons there, from different sections, talking on the state of the country, and one said: "Damn the government! it ought to be blown up!"

Question. You paid no attention to it?

Answer. No, sir.

Question. It made no impression upon you as being for any such purpose?

Answer. No, sir.

Question. Are you acquainted with an organization here called the National Volunteers?

Answer. I am.

Question. Is it a political or military company?

Answer. A military company, without arms.

Question. They have never received their arms?

Answer. No, sir; they have never applied for them.

Question. Was it originally organized as a political or military company?

Answer. Political and military.

Question. Was it a set-off to the Wide-awakes, in a political sense?

Answer. It was organized, in the first place, for the purpose of making a military company of friends, and at the same time to make a democratic organization in the different wards of the city, for the purposes of our local elections.

Question. Are you a member of it?

Answer. I am.

Question. So far as you know, from all your connexion with it, in

its meetings, and your intercourse with its members, do you believe that there is any unlawful purpose whatever entertained?

Answer. I know there is not.

Question. Are you an active member?

Answer. I am the senior officer.

Question. It is composed largely of citizens here who are property holders?

Answer. Yes, sir. I do not know how many members there are. The financial secretary could tell that.

Question. About how many?

Answer. I think on the original roll there were between 250 and 280 names. That is my impression, but I will not swear to it positively. The financial secretary could give you the names of every one. It is not a secret organization; we never had a secret meeting.

Question. It is nothing more nor less than a military company?

Answer. Nothing more. The constitution was drafted by a military gentleman in one of the departments; so I was informed.

Question. Then you know of no association here that has any such purpose?

Answer. I do not.

Question. Or any individuals who have any such purpose?

Answer. I do not.

Question. Did you see a resolution published in the papers that purported to be passed by this company or organization at one of their meetings a few days or weeks ago?

Answer. Yes, sir; I presented them. I was the chairman of the committee that reported them.

Question. What was the drift of them?

Answer. I have them here in my pocket. [Producing them.]

Question. Then it is an error, so far as Mr. Washington being the author of them?

Answer. Yes, sir. I could not see well to read them, the gas-light was so high up; and I asked him, as he was on the committee, and they were in his handwriting, to read them.

The resolutions were then read as follows:

"1. That we will stand by and defend the south, and that under no circumstances will we assume a position of hostility to her interests, or affiliate with a military organization prompted by a partisan spirit to subserve the aims of the black republican party.

"2. That the reign of terror attempted to be inaugurated in our midst is a system of tyranny which calls for the most emphatic rebuke.

"3. That we will aid each other and all good citizens against abolition violence, insults, and attacks upon private property.

"4. We will act, in event of the withdrawal of Maryland and Virginia from the Union, in such manner as shall best secure ourselves and those States from the evils of a foreign and hostile government within and near their borders."

By the CHAIRMAN:

Question. What is your idea—express it in your own language—of that clause of the resolution where you say that under no circumstances will you go against the interests of the southern States? Was it against the south in favor of some other section, or against the south in favor of the government? That is, when you drafted the resolutions, was it your idea that you would not go against the interests of the south if the south were contending with the general government, or that you would not go against the interests of the south if the south were having some trouble with the north?

Answer. Not at all. We say there distinctly that we will put down any mob from the north or the south. We are property holders. I think the most of the excitement here was caused by the government bringing troops here—uncalled for, in my opinion, entirely. I will undertake to keep the peace of the city under contract.

Question. Did you or did you not suppose that by the adoption of these resolutions the company were pledging themselves that in case of any collision between the south and the general government, they would go against the general government?

Answer. Not at all.

Question. "Under no circumstances," you say.

Answer. Under all circumstances we cast our lot with Maryland. We are Marylanders; and when the case arises, then we will decide.

Question. Suppose that Maryland secedes?

Answer. Then we should consider how we should act.

Question. Then you would consider yourselves as owing allegiance to Maryland rather than to the general government and the Constitution of the United States?

Answer. What is the government of the United States, if half the States are out? That question cannot be answered at this time. I am a Union man, but I am not a Union man under all circumstances.

Question. Have you ever been consulted by prominent men outside of the District from any of the States as to what the action of the people of this District would be in regard to turning over the public property to the seceding States?

Answer. I have not.

Question. No one has ever approached you upon the subject?

Answer. No, sir; not in that way.

Question. In any way relating to this subject?

Answer. I have had this question asked me by many prominent men in and out of the district: In the event of Maryland and Virginia seceding, what is the feeling of the citizens of Washington? I have always answered, that I believe four-fifths of the people would go with Maryland. But I have always looked upon that question as being a question whether the people were in favor of being citizens of Maryland or independent citizens. We are in a curious position here in this city.

Question. It was an expression of your opinion in regard to public sentiment here touching the choice of allegiance?

Answer. Yes, sir; that was the idea exactly, between the north and the south. I think a large majority of the people are southern

in their feelings, though I may be mistaken about that. It may be that I am thrown with only that class of people.

Question. Do you think that this excitement, owing to these sensation articles or otherwise, is increasing or diminishing?

Answer. I think it is being increased by the New York papers. I honestly think there is no excitement among the people.

Question. You do not think there is any danger.

Answer. No, sir; I do not. I think that the mayor of the city and his police can keep the peace. I would be willing, as far as his safety is concerned, to sit by the side of Mr. Lincoln, and go with him, and agree to have my head cut off if any harm comes to him from the citizens of Washington.

Question. And if any harm comes to Mr. Lincoln, it must come from outside the city?

Answer. Yes, sir.

By Mr. DAWES:

Question. In the event that Maryland should secede and assert her jurisdiction over this District as against the United States, and the United States should merely attempt to maintain its jurisdiction here in the District, what would you consider the duty of your organization, under these resolutions you have adopted, in such a case?

Answer. That question I could not answer, because I presume every man would act for himself. I can tell how I should act. I should owe my allegiance to Maryland, and though I hold my property here, I would go there.

Question. Should you consider that your organization was pledged by these resolutions in that event—I do not speak of coercion of States or anything of the kind—to aid Maryland to assert her jurisdiction over the District as against the United States?

Answer. Not as an organization; every individual would act as he pleased.

Question. What do you think, independent of the resolutions, would be the sentiment of the organization on that point?

Answer. I think a large majority, may be all of them, would go with Maryland.

Question. And would contribute with their strength, whatever that may be, to aid Maryland to assert her jurisdiction over this District as against the United States?

Answer. No, sir; I did not say that.

Question. I wanted to know whether you thought it would be the disposition of your organization, in such an event, to wrest the jurisdiction from the United States?

Answer. I think they would obey the law of Maryland, and whatever that law ordered them to do they would do.

Question. That does not quite meet my question. I wanted to get at the feelings and disposition of your organization, or any members of it, as far as you know, as to what they would feel it their duty to do, independent of any requirements of law, in the event Maryland attempted to assert jurisdiction over this District as against the United States?

Answer. I do not exactly understand your question.

Question. From your knowledge of the members of your organization, what, in your opinion, would they feel to be their duty to do in such an emergency, without regard to the requirements of the law? Whether they would feel it their duty to aid Maryland in the attempt to assert her jurisdiction of this District as against the United States, without regard to the question of coercing the States?

Answer. I could not answer that question for the corps.

Question. I do not mean as a body, but your opinion of what they would be disposed to do.

Answer. I would cast my destiny with the south. I have considerable private property here; and in the event that Maryland and Virginia seceded, I should not take up arms against them. That is my private individual opinion.

By the CHAIRMAN:

Question. Have you heard the other members of the company express themselves freely upon that point?

Answer. I have not.

By Mr. BRANCH:

Question. You are an active member of this organization of volunteers?

Answer. I am the senior officer, the captain, and president of the council of five.

Question. How many members were present at the meeting that passed those resolutions?

Answer. That I could not tell. I should think there were three hundred people there. I do not know as they were all members or not. We have never had a secret meeting.

Question. You turned out a reporter once for some cause?

Answer. Yes, sir; and we will turn him out again, out of the window next time, because he misrepresented the organization.

Question. You say you did turn a reporter out once?

Answer. We did.

Question. Not because he made your proceedings public, but because he falsified what occurred there?

Answer. Yes, sir.

Question. Did you allow other reporters to come in?

Answer. Yes, sir; we invited the reporters of the National Intelligencer, the States and Union, and the Constitution papers to attend our meeting

Question. You have no objection to any persons going there?

Answer. No, sir; any one who behaves himself.

Question. And are generally rather gratified to have them come?

Answer. Yes, sir. Our resolutions were published in all the papers, and all the reporters are admitted there except the reporter of the Star.

Question. Is there such an association as the National Volunteers in the north?

Answer. I understand there is one in Baltimore.

Question. Do you know of any in the northern States?

Answer. I do not. The National Volunteers, before the election, were political supporters of Breckinridge and Lane. Some eighty of us went on to Baltimore and turned out with them there in a torch-light procession.

CORNELIUS BOYLE.

No. 18.

FRIDAY, *February* 1, 1861.

DANIEL RATCLIFFE sworn and examined.

By the CHAIRMAN:

Question. Will you state whether you have any knowledge or information touching any organization in this city relating to the subject of inquiry embraced in the resolution referred to this committee by the House last Saturday?

Answer. I have not; and I think if there was such an organization, from my general acquaintance and familiarity with the people here, I should have known something about it?

Question. Do you know any purposes of that character that are entertained or expressed by individuals in an unorganized capacity to any considerable extent?

Answer. I do not. I have heard rumors and surmises of such a purpose.

Question. Sensation articles in the papers?

Answer. Yes, sir; but I have treated them with the contempt I thought they deserved.

Question. Then, to sum it all up, you have no knowledge or belief that any such organization exists, or that any citizens here, or anybody in this District, entertain any settled purpose of the kind?

Answer. I do not believe there is any such purpose. I will add here that it is my belief that in the present state of the public mind, if any collision were to occur between the two sides, there would be danger; but that is a mere belief.

Question. Danger of what—a general melee?

Answer. A general melee; a sort of universal fight.

Question. Persons taking sides according to their feelings?

Answer. According to their impulses just at the time.

Question. There is no disposition on the part of anybody, so far as you know, to commence any attack upon the government in the possession of its property?

Answer. No, sir; none at all. We are particularly interested here in keeping down this thing; and I will say further, that if I knew there was any such purpose I would feel it to be my duty, as a good citizen, to at once inform the authorities here.

Question. Were you a resident of this city prior to assuming your present position as assistant attorney in the Court of Claims?

Answer. Yes, sir; I have been here for 15 years. I have practiced largely in the criminal court here, and would be likely to know of any such purpose, because I am acquainted with the class of men who would be most likely to be in it; and I will say further, that if anything of this kind occurs, I shall feel it to be my duty, as a good citizen, to do all in my power to stop it.

DANIEL RATCLIFFE.

No. 19.

FRIDAY, *February* 1, 1861.

GODARD BAILEY sworn and examined.

By the CHAIRMAN:

Question. Have you been some time a resident of this city?

Answer. Yes, sir; since the spring of 1857.

Question. You are not a native of the District, then?

Answer. No, sir.

Question. Of what State are you a native?

Answer. I am a South Carolinian by birth. I removed from Carolina to Alabama in 1854, and resided there up to the time of my removal to Washington. I hail from Mobile at present.

Question. Do you know of your own knowledge—I am not including rumors and hearsay in this question—of the existence of any organization in this city, secret or open, civil or military, that contemplates any attack upon the government and its public property in this city?

Answer. No, sir; I do not.

Question. Have you heard any person assert that such an organization did exist in this city; that is, any responsible person? I do not allude to vague rumors and sensation articles.

Answer. That is a very hard question to answer; I desire to answer frankly all questions put to me; I do not think I could answer that question in the affirmative; but I might say this, with perfect truth: that I believe if there were such an organization I would know of it.

Question. You think your means of information would be as good as those of anybody?

Answer. I know I would be one of the very first persons approached on the subject. I am firmly persuaded there is no such organization; you have reference, of course, to an armed organization in the interests of the southern States.

Question. I have reference to any organization, secret or otherwise, existing in this city for such a purpose. We might suppose, if such an organization existed anywhere, it would exist out of the city, as well as in it

Answer. I mean in the interest of the southern States.

Question. I do not ask whose interest it is in; but whether it is hostile to the government property?

Answer. I have heard responsible persons say there was an armed organization here that proposed to take possession of the city.

Question. Can you state whom you have heard say so?

Answer. Well, I do not know; I have heard it asserted generally by a great many people; I think I heard Mr. Wigfall say so; but I will not be positive.

Question. Do I understand you to limit your reply to its existence in this city?

Answer. Yes, sir; and I would like to add to that, that I understand that organization is composed exclusively of members of the republican party. I have understood that there was a lodge of Wide-awakes organized here, and I believe it to be true. I presumed your first question had no reference to them, and that is the reason I answered it as I did.

Question. Do you believe that the Wide-awakes, if they exist here—you say you do believe they do exist here?

Answer. I have seen them parading in the street.

Question. Do you believe they have any purpose or design of attacking the Capitol, or navy yard, or any other piece of public property here in this city?

Answer. I believe they had such an idea. I would like to explain: I was arrested on the 26th of December, and I was not bailed out until the 19th of January; and during all that time I had no means of knowing what was going on outside. And since that time, I have seen very few persons to talk with; I think I have had no conversation on the subject since. I would like to explain what I mean by having heard of these rumors, and believing this organization to be in existence. Soon after the result of the last presidential election was known, there was a very large parade of an association popularly known as Wide-awakes, here in the city of Washington. And soon after that, rumors began to circulate that this was an armed organization, the object of which was to take possession of the city of Washington. There were rumors of large similar bodies coming down here in anticipation of trouble on the inauguration of Mr. Lincoln; that they were going to swarm all over the southern States, and would come here and take possession of this city. I have heard hundreds of people talk about it, and it was generally credited. And without particularizing any individual, I have heard fifty or sixty persons say so. It was generally believed by persons with whom I associated.

Question. And all these things you have referred to were before the time you have named?

Answer. Yes, sir.

Question. In December last?

Answer. Yes, sir; I was first arrested on the 24th of December, and bailed out on the same day. And I was re-arrested on the 26th of December.

Question. And this was all prior to Christmas?

Answer. Yes, sir.

Question. And since then you have had no conversation about it?

Answer. No, sir; since then I have had no conversation with anybody about it; except that I have understood from my friends that there was no such organization outside of this Wide-awake organiza-

tion. I am speaking of an organization composed of southern men, having in view seizing this city, in the interest of the south. I have spoken to southern men, friends of mine, and asked them if they knew of such an organization, and they said they did not.

Question. You have heard spoken of, I suppose, the organization called the "K. G. C.'s," or Knights of the Golden Circle?

Answer. Yes, sir.

Question. Have you ever had any knowledge of them—whether they existed at all, or for what purpose?

Answer. I do not know anything about them, except what appeared in the newspapers; I have always regarded them as a filibustering association.

Question. You have no other knowledge of them but what was published?

Answer. None but what I saw in the papers.

Question. You say you "believed," with regard to the purposes entertained by the Wide-awakes: did you form your opinion mainly from what you saw in the newspapers and what was common current rumor, or upon distinct statements made to you by responsible parties?

Answer. Well, so far as my individual belief was concerned, it grew out of two or three things. I have been, ever since I grew up to manhood, a member of what was called in the south the ultra States' rights party. I have been in the confidence of those men, and generally knew what their plans were. I was satisfied, in my own mind, that the election of Mr. Lincoln would result in the secession of one or more southern States; I was satisfied the Gulf States would go out anyhow. This threat of secession had been talked of in the papers, and had been met by announcements in the Tribune and other organs of the republican party, to the effect that the Wide-awakes would come down and prevent any action on the part of Virginia and Maryland; and, in the event of an attempt on the part of southern men to prevent the inauguration of Mr. Lincoln by force, they would be met and crushed out. Feeling satisfied, in my own mind, that the southern States would go out, I thought it very likely that the republican party might carry out the policy foreshadowed in those papers; and therefore I was prepared to believe a rumor that there was an organization for that purpose. I never had any doubts myself, after the 6th of November, what the course of the southern States would be.

Question. From your intimate knowledge of the principal men?

Answer. From my knowledge of them, and from my knowledge of the tone and temper of the people.

Question. Did you anticipate that it is probable that a collision would take place between them and the general government with reference to the possession of the public property in this city?

Answer. I do not know about that.

Question. I mean immediately. What ultimate results would be is another thing.

Answer. I think if it had not been for Governor Hicks, and if there had been an opportunity afforded for a convention of the people of Maryland, it might. Whether it will occur now or not I cannot say. The theory, the plain principle of law is, that if the government of

the United States is dissolved, of course the fee of this District would revert to Maryland, who had ceded it to the government. And certainly no southern State would like to take it away from Maryland, so far as the realty of the buildings is concerned.

Question. Let me put a question which will be more precise. Do you mean the fee of the government property, or merely the political jurisdiction of the District? For instance, do you mean the fee that the government has of this ground on which the Capitol stands?

Answer. I mean the right of eminent domain.

Question. Not proprietorship?

Answer. I would make a distinction there. In respect to the land, those lots of land which the government has bought and paid for, and built on, I presume their right in it would be respected just as the right of any other landed proprietor. But in respect to those lots which were got by cession, for which they paid nothing, I presume, the purposes of the trust having failed, they would revert to Maryland.

Question. I meant to ask whether you confined your remark to general jurisdiction, or do you mean absolute proprietorship?

Answer. I want to say this: it is all conjectural on my part; it does not amount to anything. I really know nothing whatever about an armed organization. What I mean is this: I think, if the State of Maryland secedes, and claims it, she is the only southern State that can claim it. Whatever might be said in regard to the archives and records of the confederation is another thing.

GODARD BAILEY.

No. 20.

SATURDAY, *February* 2, 1861.

WM. M. MCCAULEY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. Washington city.

Question. How long have you lived here?

Answer. I have lived here all my life. I was born and raised here. I have lived here all my life, except some two years, when I was away at Philadelphia and other places.

Question. Have you been at any time a clerk in one of the departments?

Answer. I am now assistant machinist in the Patent Office, and have been for nine years.

Question. Are you pretty well acquainted in the city?

Answer. Yes, sir; I am very well acquainted.

Question. And in the departments?

Answer. Yes, sir; every one knows me, I guess; knows my name.

Question. Do you know, of your own knowledge, whether there is any society, or organization, or company here, that has for its object any attack upon the Capitol, or any of the departments here?

Answer. No, sir.

Question. Nor upon the navy yard or arsenal.

Answer. No, sir; I have heard these things talked about, but I do not know anything about it. I have heard it said that there was an organization in Baltimore, but whether there is or not I do not know.

Question. Judging from this talk, what do you understand, supposing the organization to exist, the purpose to be? What is it said to be?

Answer. It is merely when I am passing by that I might hear three or four persons talking together, saying that they had heard of such a thing, and that Henry A. Wise had said something of the kind.

Question. Can you name any person you heard talking in this way?

Answer. No, sir, I cannot; I hardly taxed my memory with anything of the kind; it was merely flying rumor. The papers, I believe, spoke of Henry A. Wise, but I am not certain; I do not know whether I got it from the papers or bystanders.

Question. Then all you know about it you have got from reading these sensation articles?

Answer. Yes, sir; or hearing two or three men talking together, or something of that kind. I never taxed my memory with anything of the kind.

Question. Are you acquainted with an association or military company here called the National Volunteers?

Answer. Yes, sir.

Question. Do you belong to them?

Answer. No, sir. If you will allow me, I will state this: I was a member of the National Democratic Volunteers, gotten up, as I so understood it, at the time of the last election, for a sort of procession in Baltimore.

Question. A political matter?

Answer. Yes, sir. I put my name down to that. In the meantime I was taken sick, and did not go. Indeed, I did not intend in the first place to go; but as I was sick I had a good excuse for not going, and did not go. Some time ago I saw in the papers a call for the National Democratic Association to have a meeting. I went there, and there were certain preambles and resolutions which did not coincide with my views in regard to this thing. I said nothing. They had a constitution, and handed it to me to sign, and I would not sign it. And I came out in the papers and said I was not one of them.

Question. Was the association composed mainly of men belonging to the old Jackson Association?

Answer. Yes, sir.

Question. It was purely a political, democratic, association?

Answer. Yes, sir; I looked upon it in that light.

Question. Have you any knowledge as to whether it has, in any way, changed its purpose?

Answer. No, sir; I do not know that there is any change in it at all; there may be. My opinion—it is merely the opinion I formed—was that it was gotten up more in consequence of the organization of Mr. Carrington's company. This was got up, as I have understood

since, for the purpose of keeping Mr. Carrington from going on with some political thing.

Question. A kind of opposition club?

Answer. Yes, sir; so I have looked at it. I have not been at a meeting since. I had an idea at first that it was a kind of secession movement. Some of the men, I suppose, are for secession, of course. I do not know who they are. As a body I do not think they are so.

Question. What gave you the idea that it was a secession movement?

Answer. Just hearing persons who are members talking outside.

Question. Not from anything you know to have been done by the company?

Answer. No, sir. If there has been anything done in the way of a secret organization, I think it has been done by a few persons.

Question. This is not a secret organization?

Answer. No, sir.

Question. Anybody can attend the meeting that pleases?

Answer. Yes, sir. At the night I was there, it was requested that if there were any reporters present, except the reporter of the Star, they would come forward and make a report of the meeting. It seems that the Star at the time of the meeting of the association had ridiculed it by calling it the jackass association.

Question. The Star reporter was excluded for what they deemed abusive language in his report?

Answer. Yes, sir. The other reporters, at the night I was there, were invited to come up and make a correct report of the meeting. They were invited to come forward, and they would have a desk given them. But as to whether they have been excluded since that night, I do not know anything about it.

Question. You have not been there since?

Answer. No, sir; I did not indorse them, and have not attended since.

Question. That is all that you know about it?

Answer. Yes, sir; that is all that I know about it.

By Mr. BRANCH:

Question. You say you got the idea that it was a secession club from what you had heard some of the members of it say?

Answer. Yes, sir.

Question. Do you mean by that that they said that the object of this club was to bring about secession, or only that they themselves were in favor of secession?

Answer. No, sir; not that. I understood one man in particular to say this: I was at the National Hotel one evening, in the billiard room. This person remarked to me, "Are you going to the meeting?" I said "No; I don't have anything to do with it at all; I am not a member of it. Just the transfer of my name from the National Democratic Association to the National Volunteers don't make me a member of it." Said I, "I don't indorse anything like secession; I am for the Union out and out." I thought there was a secession movement at the bottom of it, on account of these preambles and res-

olutions. Said he, "Are you going to resign?" I said, "No; I am not going to resign; I am not a member until I sign the new constitution." "Well," said he, "I am going up to it; I am a secessionist." Said I, "You have a perfect right." Said he, "I go with Maryland and Virginia."

Question. And you suspected it was a secession club?

Answer. Yes, sir.

Question. But did you suspect then, or at any time, that it was a secret organization, having for its object an attack upon the Capitol, or any of the public buildings?

Answer. No, sir; I never had such an idea; and I do not believe that any man thinks of doing such a thing.

[Upon reading over his testimony the witness desired to state that the person with whom he held the conversation at the National Hotel, above referred to, he has since understood was not a member of the National Volunteers.]

WM. M. McCAULEY.

No. 21.

MONDAY, *February* 4, 1861.

J. TYLER POWELL sworn and examined.

By the CHAIRMAN:

Question. Do you live here in the city?

Answer. I do.

Question. Are you employed in one of the departments?

Answer. I am.

Question. How long have you been here?

Answer. I have resided here all my life; I was born here.

Question. Are you very generally acquainted here with all classes of people?

Answer. Yes, sir; I believe I am.

Question. Do you know of the existence of any organization here that has for its object any interference with any of the public property of the United States here in the District?

Answer. I do not.

Question. Have you ever heard such a thing talked of?

Answer. Well, I have heard a secret organization spoken of; I never was a member of it; I do not know any person who is a member of it.

Question. To what secret organization do you allude that you have heard spoken of?—the Knights of the Golden Cross, or something of that kind?

Answer. I am unable to say what. I heard a gentleman say on the avenue one day that there was an organization of gentlemen in this city which was a secret organization. The purposes of that organization I do not know; but I did understand that they met at

Temperance Hall; who the members are, or what are their objects, I do not know, and am unable to say. That was some six weeks or two months ago.

Question. Who was the gentleman whom you heard say so?

Answer. I heard Dr. Boyle speak of it.

Question. You do not know whether it was a political organization or what it was?

Answer. I do not. But the impression left on my mind by Dr. Boyle in conversation, was that it was a southern institution. That was the impression left upon my mind. I do not know that he made that remark particularly.

Question. That it was an organization favorable to the claims of the south?

Answer. I presumed it was; that was the impression left upon my mind.

Question. You do not know what their purposes are?

Answer. I do not; I do not know that such an organization does exist, or ever existed.

Question. Was that the only time you ever heard it spoken of?

Answer. That was the only time.

Question. Are you a member of a military company here called the National Volunteers?

Answer. I was a member; I am not now.

Question. That was organized before the election?

Answer. Yes, sir.

Question. What was it—a political or military organization?

Answer. It was organized as a political association, having no constitution; it had a heading to which the names of the members were signed, which only pledged themselves to use all honorable means for the election of John C. Breckinridge and Joseph Lane; that is, at the time of organization.

Question. That rather took the place of the old Jackson Association?

Answer. No, sir; it was formed in that association, as an auxiliary to it, for the purpose of aiding them in circulating documents and making demonstrations.

Question. And since then it has assumed more of a military form?

Answer. Yes, sir; it has been merged into a military association.

Question. You are not a member now?

Answer. No, sir.

Question. When did your membership cease? About what time?

Answer. I do not remember the date. I think it was on the 15th of January.

Question. Did you withdraw from them in consequence of any change in their constitution or purposes?

Answer. Yes, sir; what I considered to be a change. I have with me a copy of the Evening Star, containing the preamble and resolutions, with my letter of resignation. I think they will explain better, perhaps, than I can myself, the reasons why I left the association.

Question. You objected to the preamble and resolutions?

Answer. Yes, sir; I objected to the preamble particularly.

The following, from the Evening Star of January 17, 1861, was read:

"'The National Volunteers of the city of Washington, having met for the purpose of perfecting and extending their existing military organization, formed in the month of September, 1860, deem it both a right and duty at this time to declare to their fellow-citizens the principles which will control their future action.

"'The constitutional compact of the Union between the States of the late confederacy of thirty-three States having been repeatedly and grossly violated by the north, a portion of the southern States have been at last forced to seek by withdrawal that security for their peace, property, and honor, which the experience of twenty-five years has demonstrated could not be found under a common government. That government, having been signed by the party which has proposed and justified all these acts of aggression, bad faith, and hostile agitation, is now no longer a shield of defence for the rights of all, but an agency by which the doctrines of a "higher law" may be carried out at such times and in such manner as its advocates may consider expedient. In a spirit of wise forecast and just regard for their honor, three of the slaveholding States have already withdrawn from the Union. Others will follow in a few days, and ere three months shall have passed it is probable that *all* the slaveholding States will be confederated in a union whose symbols will be equality, good faith, and the protection of property of every description. We believe that this city would naturally be the seat of government for such new confederacy, provided its citizens shall not suffer themselves to be drawn into an attitude of hostility to the south and opposition to the wishes and action of the adjacent States of Virginia and Maryland. If Virginia shall secede, it would clearly be unsafe for the federal government to retain this point as a capital. If Maryland should imitate the action of Virginia, and resume her sovereignty, the retention of this city by the black republican government would be not only unsafe but impracticable. We hold, then, that the destinies of Washington are intimately linked with the States of Virginia and Maryland, and that to oppose their action would be ruin to every property-holder in this city.

"'While entertaining those views of future results, we expect their accomplishment by the logic of events, and not by arms. The cry of an alleged organization to interfere with the inauguration or the counting of the votes for President is unfounded, ridiculous, and mischievous in its effects. The attempt to give it a color by military proclamations and meetings, by enrolling the militia, by creating a standing army of 6,000 men in a peaceful city, by planting companies of artillery at prominent points, gathering from exposed frontiers the troops necessary to repel the marauder and the savage, and thus converting our city into an armed camp, we denounce as a wanton and wicked act of folly. It is a reflection upon our existing patriotic military companies, the municipal authorities, and an efficient police. It leads to alarm, public insecurity, and thus strikes at the value of property and the operations of commerce. It puts the deliberations of Congress under the menace of martial rule, and discloses the melan-

choly fact that the government is virtually in the hands of a military dictator, whose sole idea of civil liberty is the application of brute force to coerce sovereign States. We believe that a controlling aim with many of those who have fomented these unusual military preparations is to place arms, at the public expense, in the hands of Wide-awakes of this city and elsewhere, in order that these sympathizers with John Brown may make similar assaults upon life and property in this city. We therefore resolve as follows:

"'1. That we will stand by and defend the south, and that under no circumstances will we assume a position of hostility to her interests, or affiliate with a military organization prompted by a partisan spirit to subserve the aims of the black republican party.

"'2. That the reign of terror attempted to be inaugurated in our midst is a system of tyranny which calls for the most emphatic rebuke.

"'3. That we will aid each other and all good citizens against abolition violence and attacks upon private property.

"'4. We will act, in event of the withdrawal of Maryland and Virginia from the Union, in such manner as shall best secure ourselves and those States from the evils of a foreign and hostile government within and near their borders.'

"This matter and some talk about 'that hoss' occupied the time till the formal commencement of business proceedings. Secretary Gantt stated that private reasons compelled him to tender his resignation, but that he would stand by the action of Maryland. Other resignations were offered, very much to the disgust of the wire-pullers, and the following manly letter so excited their ire that the name of the writer was ordered to be stricken from the roll and his letter returned to him:

"'WASHINGTON, D. C., *January* 15, 1861.

"'*To the officers and members of the "National Volunteers."*

"'GENTLEMEN: I hereby tender my resignation as a member of your association, and, in doing so, I would simply state that the reasons which impel me to such a course are to be found in the *preamble* and *resolutions* lately enacted by your body. I cannot lend my aid to or countenance any movement that casts reflections or imputations upon the *Executive of the United States.*

"'I am also of the opinion that *political military organizations* are antagonistic to the true principles of a republican government.

"'Very respectfully,

"'TYLER POWELL,
"'*First Lieutenant, N. V.*'"

By the CHAIRMAN:

Question. That expresses the reasons of your withdrawal as well as you can now?

Answer. Yes, sir.

Question. Have you stated all that you know upon the subject?

Answer. I believe I have.

Question. Doubtless you have read the sensation articles in the newspapers about wars and rumors of wars?

Answer. Yes, sir.

Question. And you have no knowledge of them?

Answer. No, sir; no personal knowledge; nothing more than the rumors in the papers.

By Mr. DAWES:

Question. You said that Dr. Boyle spoke to you of a secret organization?

Answer. Yes, sir.

Question. What was it that he said about it?

Answer. If my memory serves me right, Dr. Boyle remarked that he had been invited to join an association, or that there was an association in existence, which met at Temperance Hall, and which was composed of some of the first men in town.

Question. Did he say that it was a secret association, or that it held secret meetings?

Answer. The impression left upon my mind was that it was a southern secret association.

Question. Did he state to any extent its object?

Answer. He did not. I believe he stated to me that he did not know what their objects were, and for that reason he declined going with it, without knowing anything of its objects.

Question. Did you learn from him who communicated that fact to him?

Answer. I did not.

Question. Did he ask you to join?

Answer. He did not.

Question. What did he say in respect to it?

Answer. The conversation arose somewhat in this way: Immediately after the election there were two or three meetings of the National Volunteers held. But the attendance was very slim; there seemed to be no interest taken, and by common consent the meetings were stopped at that time, with the understanding that the captain should call them together when he should think proper to do so. And during this interval Dr. Boyle was desirous of knowing whether or not the volunteers would be reorganized; and, in conversation about that, he stated that he had been invited to join such an association; but he did not know whether he should join them or not, because he wanted to remain with the National Volunteers if they continued in existence.

Question. Did he intimate that whether he joined them or not would depend upon the National Volunteers continuing in existence?

Answer. No, sir; not exactly that. He objected to join a secret political association, because he did not know the objects of it?

Question. Were you present when these resolutions were adopted?

Answer. I was. I did not resign until the second meeting after.

Question. Were they adopted with unanimity?

Answer. Yes, sir. There was one gentleman who objected, and desired to oppose the resolutions, but he was cried down and hooted at.

Question. How large was the meeting at which they were adopted?

Answer. Well, judging from recollection, without having counted them, I should suppose there were between one hundred and fifty and two hundred present.

Answer. Were they adopted at the same meeting they were offered?

Answer. They were.

Question. Were they matters of discussion?

Answer. The gentleman I allude to objected to them, and then two other gentlemen took the floor—Mr. Washington and Dr. Boyle—and they spoke in favor of the resolutions. I believe that was the only debate upon them.

Question. Who was the gentleman who objected to them?

Answer. Mr. Rae—John Rae, I believe his name is; he is commonly called Jack Rae among his friends.

Question. Is he still a member?

Answer. I do not think he has ever resigned by letter. The organization was reconstructed; they elected new officers, captain, lieutenant, and other officers, and also submitted a military constitution, which constitution was signed by such members as desired to connect themselves with the association; and it seemed to be an understood fact that those who did not go up and sign this new constitution were not members of the new organization, and understanding that a number of gentlemen did not think it necessary to resign formally.

Question. Do you know who prepared that military constitution?

Answer. I am under the impression that it was Mr. Charles H. Winder, of this city.

Question. What did you understand the resolution pledged the organization to, in the event that Maryland and Virginia should secede?

Answer. Well, my impression was that they would cast their lot with Maryland or Virginia, and as a military organization I supposed that they would be under the control of either Maryland or Virginia; probably Maryland.

Question. Subjecting themselves to the orders of the authorities of Maryland?

Answer. That was my impression.

Question. And in the event that Maryland should attempt to assert jurisdiction over this District, as against the United States, did you consider these resolutions as pledging that organization to aid Maryland in that undertaking as against the United States?

Answer. That I could not say; I could not say whether they would do so or not. I never heard an expression of opinion upon that question.

By Mr. BRANCH:

Question. You say that but one gentleman opposed these resolutions?

Answer. Only one member of the association.

Question. What State was he from?

Answer. I think he was from Georgia; he is a clerk, I believe, in

the city post office, but I will not be sure of that. I know the gentleman very well.

Question. You are quite sure he is a citizen of Georgia?

Answer. Yes, sir; I think so.

Question. Do you remember what reasons he gave for opposing the resolutions?

Answer. He said that it was an attack upon the Executive of the United States, and he went on to speak of his being a Union man, and that he would prefer to see the Union cemented together, rather than broken into fragments; and he was therefore opposed to any such resolutions.

Question. He opposed the resolutions because he regarded them as an attack upon the administration, I understand you to say?

Answer. I could not speak of his opinion.

Question. I mean what he said there. You understood him as opposing the resolutions on the ground that they were an attack upon the administration?

Answer. Yes, sir; and also that it would be more becoming in the association to do something to save the Union, rather than pass such resolutions, declaring that the government was virtually in the hands of a military dictator, who would use brute force to coerce sovereign States.

Question. You were present?

Answer. Yes, sir.

Question. You did not oppose them?

Answer. No, sir; I did not. I remained silent, for this reason: I have always held a good position in the association, and have always been treated with respect, and when I saw the treatment that Mr. Rae received at the hands of the members—that he was hooted at, and greated with cries of "down, down," and "put him out, put him out," &c.—I did not desire to subject myself to that annoyance. For that reason I preferred to leave the association and resign, without opposing the resolutions, as I saw it was useless to do so.

Question. Were these resolutions published in the papers here by order of the association?

Answer. Yes, sir.

Question. On whose motion?

Answer. On my own motion.

Question. Did anybody make any objection to the publication of the resolutions?

Answer. No, sir; except to their being published in the Star; I believe that was the only objection made.

Question. That was on account of the course the reporter of the Star had pursued towards the association before?

Answer. Yes, sir.

Question. There was no objection made to their being published in the other papers?

Answer. No, sir; not that I remember.

Question. It appears from this paper [the Star] that I hold in my hand that your resignation was not accepted by the meeting, but that

they ordered it to be returned to you, and your name stricken from the roll. Is that a true account?

Answer. Yes, sir.

Question. Upon what ground did they refuse to receive your resignation?

Answer. They gave no reasons at all. But since that time gentlemen have stated to me privately that they believed it was done because there was objectionable language in the resignation. Such was not stated to me at the time, or I would have removed the objectionable language from the letter, as I had no desire to say anything that would be regarded as objectionable.

Question. Do you know what particular part of your letter was regarded as casting imputations upon them?

Answer. They stated that there was no reflection intended upon the President by their resolutions, and that that part of the letter was objectionable to the association; I believe that was the only reason I heard; that was given to me by a gentleman in his individual capacity, and not by the association. I would state that on the night the resolutions passed some members of the association said it was not a reflection upon the President; and the gentleman who objected to the resolutions asked what was meant by the language of the resolutions; and I think that Dr. Garnett said that it was not a reflection upon the President, but upon General Scott; and Mr. Rae told them that he could not reflect upon General Scott in his present capacity without a reflection upon the President.

Question. Then the opposition and disaffection to these resolutions related mainly, if not wholly, to the fact that the resolutions reflected upon the President of the United States and his administration?

Answer. Yes, sir; and also that Mr. Rae thought that they should do something to cement the Union, instead of trying to dissolve it.

Question. Did you attend any other meeting of the association after that?

Answer. Yes, sir.

Question. Did you participate in its proceedings?

Answer. I did. Allow me to explain why I did so. I had the promise of some gentlemen that these resolutions should be expunged from the records of the association; and upon that promise I attended the meeting.

Question. Did either yourself or others move to expunge these resolutions?

Answer. No, sir; not by direct motion. Other resolutions were offered—two series of them—to be adopted in place of these. And then a third series of resolutions were offered explanatory of these resolutions, to the effect that they desired a settlement of this question upon the Crittenden resolutions.

Question. Were they adopted?

Answer. Yes, sir.

Question. A resolution declaring that the association desired a settlement of our political troubles by the adoption of the Crittenden resolutions?

Answer. Yes, sir.

Question. Did you then, or do you now, regard these resolutions as pledging the National Volunteers, either collectively or individually, to any unauthorized attack upon the government or its property in this District?

Answer. Not by any means.

Question. Did you show this letter of resignation to any member of the republican party before you sent it to the association?

Answer. I did show it. I have had a great many hot discussions upon that point. There is a gentleman in the Patent Office by the name of Hall, who is spoken of by a great many as a republican; upon what authority I am not aware, other than that he is a subscriber to the New York Tribune. He is a gentleman of considerable talent, and knows a little of almost everything; and as I was not very well posted myself upon newspaper articles, I desired to place that in a proper form, as I supposed there might be occasion to publish it; and I submitted it to him merely to get his opinion upon it in that respect, merely in relation to the wording of it. He gave his opinion; and I was afterwards, before some fifteen or twenty gentlemen, charged with showing it to a black republican; and I received their sneers and hootings on that account, for which I did not care at all.

Question. Was there any remark made to you by this gentleman of the republican party, to whom you showed it, that if you would withdraw from this association it would insure your continuance in office under the next administration?

Answer. Not by any means.

Question. Did you say this gentleman was generally regarded as a member of the republican party?

Answer. He is charged to be by a number of democrats; upon what ground I do not know, except that he takes the Tribune. I never heard that he ever affiliated with any association of the republican party in this city.

Question. I understand you to say that you did not at the time, and you do not now, regard these resolutions as pledging the National Volunteers, either collectively or individually, to any attack upon the government or its property here. Do you know any other fact that would go to show that the object of the volunteers is to make an attack upon the government or its property here?

Answer. I do not.

Question. Do you know any fact that you can place before the committee that would induce you to believe that there is any secret combination or conspiracy, having for its object an attack upon the government or its property here?

Answer. I do not know of any, and I do not believe there is any.

J. TYLER POWELL.

No. 22.

TUESDAY, *February* 5, 1861.

JOHN H. GODDARD sworn and examined.

By the CHAIRMAN:

Question. Do you reside in this city?

Answer. Yes, sir.

Question. You are connected with the police department here?

Answer. I am.

Question. Chief of police?

Answer. Yes, sir; chief of police and captain of the auxiliary guard.

Question. How long have you occupied that position?

Answer. I was first appointed chief of the police and captain of the guard in this city in 1842. I was out of office some six years. The last time I came into office was two years the first of July last.

Question. You have charge of all the police of the city, including the auxiliary guard?

Answer. Yes, sir.

Question. Your means of knowing what is going on are pretty good?

Answer. Yes, sir; I think so.

Question. Do you know of any organization in existence here, either secret or open, that has for its object any attack upon any of the public property here, or any resistance to the general government in any shape?

Answer. I do not.

Question. You know of the existence of no such organization?

Answer. I do not.

Question. From your means of information do you believe that it would be possible for one to exist any considerable length of time without your knowing it?

Answer. I think if there was any organization of that kind in the city of Washington I certainly would know something about it.

Question. Have you what is technically called "detective police," or men on that duty?

Answer. No, sir.

Question. Do you know whether there is any avowed purpose, or have you ever heard any purpose avowed, on the part of any considerable number of persons here, not in an organized form, to seize the Capitol, or the navy yard, or the arsenal, or any other public property here?

Answer. No, sir.

Question. Have you ever heard threats of that kind?

Answer. I do not know that I ever heard anybody make any threats of that description, about seizing the public property here, such as the arsenal, navy yard, Capitol, or any of the departments. I have heard men drinking, carousing, and such like, advocating secession, and advocating the rights of the south, and some advocating the opposite course, the rights of the republicans. Such things as that are most generally the effusion of liquor. Although they may en-

tertain these sentiments when they are sober, they have too much discretion to give vent to them, except when they are intoxicated. I have heard such things, and have had occasion to interpose to keep men from quarrelling and fighting in the drinking houses. But as to any purpose, or plan, or design of that sort on the part of persons, either organized or individual, I do not think it exists.

Question. You do not beleive it exists at all?

Answer. No, sir. This community is like a great many others, divided in opinion and sentiment in relation to the great matter now at issue between the two sections of the country. But I do not think there is any purpose of that kind existing here to commit any overt act against the government in this city.

Question. And no more occasion for mobs than on any other occasion when the excitement runs high?

Answer. It is possible that on an occasion like the inauguration there may be a great many persons here drinking and carousing, and we may have more than the usual number of fights and disorders of that kind, created by the excitement of different parties meeting together. But nothing like an attack upon the national dignity here.

Question. You think there would be fights in the Union rather than against the Union?

Answer. Fights in their cups more than anything else. There would be perhaps persons half drunk who would begin to abuse the President elect and everybody else, and then there would be retaliation and then a general fight, in which we would have to interfere, and it might take a considerable force to quell it. That might happen and might not. But I do not anticipate anything of the kind, although I think it is prudent and necessary to be cautious and prepared for any emergency.

By Mr. DAWES:

Question. You have heard rumors about, have you not, of some contemplated aid in this District to be rendered those who desire to take the Capitol?

Answer. Well, I have heard it talked of, and seen it in the newspapers about contemplated forces coming from outside the District—from Virginia for instance—and that they expected to have a great many friends here.

Question. Have you heard rumors of an organization existing here to render aid in such an attempt?

Answer. I cannot say that I have heard of such an organization. I have heard that it was assumed by the opposed party that the National Volunteers were formed for that purpose.

Question. Have you taken any measures as captain of the police to ascertain whether there did exist any such organization in the city?

Answer. I have; every means in my power.

Question. What inquiries have you made?

Answer. To ascertain where these meetings of the National Volunteers were held, and what their purposes were.

Question. Have you detached any portion of your police, and charged them with the duty to investigate and ascertain whether

there were such organizations, and if they held their meetings in this District?

Answer. I have not made it the especial duty of any one, because I have ascertained that that was all unfounded.

Question. In what way did you discover that that was unfounded?

Answer. By talking with persons, and going myself where they said there were meetings, and finding that there were no such meetings.

Question. At what places have you been?

Answer. There is a place called Northern Liberties, away up in the borders of the city, near the corner of 10th and M streets, where I was told there were some secret meetings. I found out that they were meetings I had myself ordered—meetings of colored people to whom I had given a permit to hold meetings there.

Question. Did you ever attend any meetings at Temperance Hall?

Answer. No, sir.

Question. Did you ever send a policeman there?

Answer. On one or two occasions I have sent one or two men there for the purpose of keeping order.

Question. Have you ascertained through them what was the character of those meetings?

Answer. Meetings for public discussion.

Question. Who were the managers of the meeting?

Answer. I do not know; if I had anticipated any question upon that point I would have ascertained. There used to be some meetings there last summer of persons to get up tournaments and the like.

Question. You have not discovered in any of these meetings any evidence of any conspiracy?

Answer. No, sir.

Question. Have you been there to any meeting during the last month or two?

Answer. No, sir; but I have understood they were mostly for military organization—what are called Union meetings.

Question. Have you ascertained who managed those meetings, so that you could be able to communicate their names to us?

Answer. Only by seeing them in the papers.

Question. Can you tell me any person of whom you have made inquiry as to the existence of such a conspiracy or such an organization in this city?

Answer. I have talked with many persons among my own men, with my lieutenant; but I have never had the most distant idea that there was any such thing going on that would require any inquiry of the kind into it.

Question. I suppose it is so, and I think it is so in fact; but I want to ascertain whether you know that such a thing does not exist; I am not seeking for it, but merely to satisfy myself that it does not exist; so I would be glad if you would tell me the persons of whom you have made such an inquiry?

Answer. I have talked upon the subject with a Mr. Duvall, who used to be what is called the janitor of the building—who used to take care of the building.

Question. What building is that?

Answer. Temperance Hall.

Question. When have you talked with him about it?

Answer. I think within two months.

Question. Of what other persons about the city have you made inquiry touching the existence of any such organization?

Answer. Well, I talked with Mr. Carrington—Captain Carrington he is now called—about the meetings he was holding there.

Question. What did you learn from Mr. Carrington as to the existence of any such organization?

Answer. That the object of their meetings was to form a military company.

Question. Did you ascertain the purpose of forming their company at this time?

Answer. I suppose at the off-start they were for political purposes more than for any substantial military organization. But since that time I have been informed that they were intending to continue their existence, and form a regular military volunteer company—a uniformed company.

Question. Did you make any such inquiry of Dr. Boyle?

Answer. Well, sir, Dr. Boyle was so recently elected the captain of his company of National Volunteers that I had no idea that he would join any such military company; because he is a man that is lame, and I did not suppose that he would suit for an officer. I was in company with him night before last; but I did not make any inquiry about his military company, because I thought it would be so ridiculous, and I would not joke him about it.

Question. Did he allude to his having been before this committee?

Answer. No, sir; I had heard of his having been here. We were talking then about the United States troops coming here.

Question. You did not ask him about his organization?

Answer. No, sir; I thought I knew pretty much all about his organization, because I had inquired of other persons who had been there.

Question. Did you inquire of Dr. Garnett about it?

Answer. No, sir; I saw an account in the paper of his having been elected surgeon of the company, and knowing him to be a son-in-law of Governor Wise, of Virginia, I supposed it would be very natural for him to join such a company—that is, a company on the democratic side; the other one, I believe, is on the republican side. I told Mr. Carrington, yesterday, that I thought all these companies were for political purposes, looking beyond the 4th of March.

Question. Has your notice been called to any resolutions adopted by the National Volunteers, and published in the newspapers, as to what they intended to do in a certain contingency?

Answer. No, sir; I do not recollect of any.

Question. And you have not been led to make any inquiries of any one as to the purposes of that organization?

Answer. Yes, sir; I have talked with some of the members about it.

Question. Can you give us the names of any of them?

Answer. I have talked with one man in my office—a Mr. Thornton—who was one of them.

Question. How many of your men do you think belong to it?

Answer. As near as I can ascertain, I think there are some seven or eight of them.

Question. Have you instituted any inquiry throughout your police force to ascertain whether they are loyal to the government?

Answer. I have had frequent conversations with numbers of them in relation to the issues pending now, and I do not think there is a man of them but what will defend the government against any attack.

Question. Suppose that Maryland should secede, and attempt to assert jurisdiction over this District as against the United States, have you satisfied yourself whether your police would help the United States to defend its property, or help the State of Maryland to assert her jurisdiction over the District as against the United States?

Mr. BRANCH objected to the question as going beyond the line of inquiry proper for the committee to pursue.

After discussion, the question was propounded to the witness by Mr. Dawes in this form:

Question. Have you satisfied yourself, from investigation, what your police would do in the event that Maryland should attempt to secede and assert jurisdiction over this District as against the United States?

Answer. I can answer that question in this way: During this whole crisis, as it is called, we have had frequent conversations, or they can hardly be called conversations, for they have listened to me talking. Sometimes one of the lieutenants would talk to me in the presence of the men, and sometimes some of them would join in. We would talk about the position this District occupied towards the government, and towards the other States, and what would be our duty, and what would be expected of us in certain contingencies. I am one of those persons who go against secession strong, and I have expressed my views to the men. Most of them, if not all, have taken the oath to support the Constitution of the United States, and they would be expected to stand by the government as long as there was any government. In case of the secession of Maryland, then the question would arise whether this District would naturally go back to Maryland in the position it was in before its cession to the United States, and whether they should not rightly be a party to that transfer; that we were not a flock of sheep to be transferred by the mere will of others, but that we ought to have a say in it, and would have a say in it; and that it would be for the people of the District of Columbia to say whether they would go back or not in a contingency of that kind; and unless the thing was amicably settled, it would be our duty to stand by the government of the United States.

Question. That was the way you expressed yourself?

Answer. Yes, sir; more than twenty times; that of all people in the United States we were the most interested in the perpetuity of the Union.

Question. Have you found your police agreeing with your views?

Answer. They would have their ideas, and their way of expressing themselves in case such and such a thing should take place—in case there was a peaceable secession, and this District went with the southern or with the northern confederacy.

Question. In case of a conflict between the authorities of Maryland and the United States over this District as to who should have it, did you get from your police their views upon that subject?

Answer. I do not know that I ever had that question put to them; I do not know that I ever did present that question directly; but I had a conversation with one of my lieutenants some time ago in relation to matters, as to what we might be expected to do on the 4th of March. And I said I wanted to know of him the opinions of the men, for, if there was any fighting to be done, I did not want to be standing by the side of a man who would shoot me as quick as he would any one else; and that if there was any such man as that I wanted him to resign, and let me know it, for I did not want any man under me serving two masters.

By Mr. BRANCH:

Question. You are tolerably well acquainted, I suppose, with the general sentiment of the people of this District?

Answer. I think I am as much so as any other man.

Question. Do you think they are generally favorable to the preservation of the Union, or unfavorable to it?

Answer. I think a large majority are in favor of the preservation of the Union.

Question. Do you think that, with the power now possessed by you and by the mayor of the city under the law, with such aid as you could get from the President through the militia of the District, you would be amply able to take care of the public property here from now until the 4th of March?

Answer. I think so.

Question. Have the companies of the regular army been sent here with your advice, or, so far as you know, with the advice and wish of the mayor of this city?

Answer. I think not. I can speak for myself; I have had nothing to say or do in it; and, from conversations with the mayor, I do not think he has.

Question. You have no doubt that, with the means within the District and within your reach, you could make the government entirely secure?

Answer. That is my impression; for I have no idea that there is any danger to be feared here, unless it comes unexpectedly from abroad.

Question. Suppose it did come unexpectedly from abroad, if it did not come in extraordinary force, would you still be able to protect the government?

Answer. I think the whole mass of the people would turn out to defend it.

Question. What length of experience have you had in connexion with the police affairs of this city?

Answer. I have been justice of the peace since January, 1842; and shortly after the auxiliary guard was established, during Mr. Tyler's administration, I was made captain of it.

Question. Then for nearly 20 years you have been connected with the preservation of the peace of this District?

Answer. Yes, sir.

Question. What is your age?

Answer. I am in my sixty-second year.

By Mr. REYNOLDS:

Question. Your opinion as to your ability to defend this District depends upon the force that may attack it?

Answer. Yes, sir; and the aid I can receive from the President and the military organization of this District.

Question. Your idea is that there is no danger?

Answer. No danger existing here. On the occasion of the inauguration of the President there is always an additional police force appointed by the city, but not heretofore by the government, I believe.

Question. You do not mean to be understood as saying that your police force and this aid you could receive would be sufficient to defend the public property here from a large force?

Answer. Not from any large force.

Question. Then the extent of your ability to defend depends upon whether the city is attacked by any considerable force?

Answer. By any considerable force; yes, sir.

By the CHAIRMAN:

Question. The sufficiency of your police, so far as regards the dangers that you anticipate, relates to matters inside the city, that is, the people of the city?

Answer. Yes, sir.

Question. It has no reference to an invading force?

Answer. I cannot say what may come from outside and abroad.

Question. Have you heard any threats on the part of any persons to resist by force the inauguration of Mr. Lincoln?

Answer. No, sir; I have not.

Question. Have you heard any talk about it, any more than in a loose way?

Answer. That is all; that such a thing might be done; that the people from abroad might interpose and put down the inauguration.

By Mr. BRANCH:

Question. What amount of force do you think that the President could call into service in this District, all true and loyal men, devoted to the Union and attached to the government, and whose services could be relied upon in behalf of the government?

Answer. In Georgetown and Washington, I should suppose, he might get into service in a very few days, or in a week's time, some 4,000 men. There are more militia than that, but it is difficult to get them out.

Question. You think he could get that many?

Answer. Yes, sir. It seems to me that if there was any danger of an attack from abroad the people here would turn out not less than 4,000.

Question. Do you reckon the National Volunteers among that number?

Answer. Well, I believe they would turn out.

Question. Do you count them with the others?

Answer. Yes, sir.

Question. And you would rely upon them as a part of the force to defend this city against any attack?

Answer. Yes, sir; that is their professed object, and that of the Union Volunteers, and all those companies.

J. H. GODDARD.

No. 23.

TUESDAY, *February* 5, 1861.

CYPRIANO FERRANDINI sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Baltimore. My place of business is under Barnum's Hotel.

Question. How long have you lived there?

Answer. I have lived there sixteen years.

Question. Have you lived there all the time during those sixteen years?

Answer. Yes, sir, except a little trip I took to Mexico last winter.

Question. Were you in Mexico during the Mexican war?

Answer. No, sir, not during the Mexican war; I was there last winter. I went into Juarez's army; I had a commission in that army.

Question. Did you belong to his army?

Answer. I did, for three months only; I then resigned and came back home.

Question. You held a commission in the army there?

Answer. I did.

Question. What was it?

Answer. Captain of infantry.

Question. Have you ever been a teacher of infantry tactics, or any other military drill?

Answer. Not professionally so; I have taught it in companies that I was connected with in the State of Maryland.

Question. That is, you have had charge of the drillings of companies?

Answer. Yes, sir; I was at one time commanding the Lafayette Guards, a company in Baltimore.

Question. Was that some time ago?

Answer. I resigned there three years ago.

Question. Have you been engaged in drilling any company lately?

Answer. I have.

Question. What is the name of the company?

Answer. The Constitutional Guards.

Question. Of how many does the company consist?

Answer. They told me, when I joined it, that it consisted of forty men, but I have never seen more than fifteen or sixteen there at any time.

Question. Are you hired to drill them?

Answer. No, sir; I do it voluntarily.

Question. Where are you drilling this company; in a drill-room?

Answer. In a drill-room or headquarters. They have adjourned now to the headquarters of the National Volunteers, and drill there.

Question. What do you mean by the National Volunteers? Is it a company or a regiment?

Answer. It was formerly a political association; they are now drilling as a military volunteer corps.

Question. In Baltimore?

Answer. Yes, sir.

Question. Is it similar to the one in this city of the same name, or have you any knowledge about the one in this city?

Answer. I have no knowledge of any one in this city.

Question. There is a company of that name here, and I did not know but what the two were associated together in some way.

Answer. Not that I know of.

Question. Do you know the number of volunteer companies in Baltimore?

Answer. No, sir; I do not. They only formed last Saturday for the purposes of drilling. They have existed since the election, and also previous to the election, as a political society; but not as a military corps until last Saturday.

Question. Have they got their arms?

Answer. No, sir; they are going through the school of soldiery, and have no arms in their possession.

Question. Do you know what immediate purpose this company that you are drilling has in view?

Answer. I do not know as it has any particularly, except that they are forming to protect their State, the same as any other military company, I suppose, under the orders of the State of Maryland.

Question. Are they regularly organized under the laws of Maryland?

Answer. Not yet; they are only now formed. They have no officers elected, no one but instructors.

Question. It is simply, thus far, so many individuals who assemble together to drill?

Answer. Yes, sir; last night was the first night that the National Volunteers came in line to drill. They were formed, enrolled, last Saturday.

Question. How long have you been drilling this company you spoke of?

Answer. About a month.

Question. Do you know whether it is the intention of the company to attend the inauguration here?

Answer. No, sir; they do not intend to do so; not as a body.

Question. Do you know whether it is the intention of any of those persons to prevent the inauguration?

Answer. No, sir; they have no such intention. There is nothing connected with the city of Baltimore that has any intention of that sort. If there was one I should know it. They are formed for this purpose: to prevent northern volunteer companies from passing through the State of Maryland. They do not wish to come themselves, and do not wish any other volunteers to come for that purpose.

By Mr. DAWES.

Question. They are drilling for that purpose?

Answer. Not only that one, but several other companies have the same purpose.

By the CHAIRMAN.

Question. Do you know of the existence of any organization, any military company, or any secret society, or of any understanding among individuals, that has for its object the prevention of the inauguration of Mr. Lincoln on the 4th of March?

Answer. No, sir.

Question. Or to prevent his coming through the State of Maryland?

Answer. No, sir; none whatever.

Question. But it is simply, as you understand it, to prevent northern volunteer companies from coming through?

Answer. A northern invasion; that is about the whole of it.

Question. That is the idea?

Answer. Yes, sir; that is the opinion of the men that are drilling.

Question. Has it not always been customary, or for a great many years, for volunteer companies to come here from various sections of the country to attend upon the occasion of an inauguration?

Answer. No, sir; it never was heard that a President came here to Washington with a military company to escort him. And it was said that Mr. Lincoln was coming with a volunteer guard, though that was afterwards contradicted by the newspapers.

Question. I do not refer to that. But frequently volunteer companies visit different parts of the country when anything especial is going on, merely for the purpose of display, merely to show themselves. For instance, there have been several companies here during the year; and that is almost always the case at an inauguration, merely for the purpose of display.

Answer. At this present time, with all the excitement that there is, I think those companies ought to come the same as the people come, or stay at home.

By Mr. DAWES:

Question. Your purpose is to keep them away, in the shape of companies, as a peace measure?

Answer. Yes, sir.

Question. To prevent the effusion of blood?

Answer. Yes, sir.

By Mr. COCHRANE:

Question. Does the purpose of your company refer to men coming here peaceably, or to men coming with arms in their hands?

Answer. To men with arms in their hands.

Question. Not to peaceable citizens coming in companies or separately, but to those who come with arms in their hands?

Answer. Yes, sir, that is all; to companies with arms in their hands.

By Mr. DAWES:

Question. You are willing they should come, if they come in a manner agreeable to the wishes of the citizens of Maryland?

Answer. Certainly.

Question. Have the people of Maryland, or any organization in Maryland, suggested in any public way in what manner they would be willing to have people come through Maryland?

Answer. I do not know as there is any resolution of that sort. I speak merely the sentiments of the company. There is no oath, or obligation, or privacy, or anything of the sort. The drill-room is open.

Question. You say their purpose is to prevent volunteer companies from coming here, as such, to attend the inauguration. In answer to Mr. Cochrane, you say they do not object to their coming, if they do not come with arms in their hands. I inquired if the people of Maryland have signified to them in what particular way they would be willing to have them come here?

Answer. I could not say as to that.

Question. I mean those of the people of Maryland with whom you act?

Answer. Those with whom I act are certainly opposed to any body of men passing through Maryland to come here to help the United States troops, or anybody else, to invade the south in any shape or form whatever.

Question. I speak of attending the inauguration?

Answer. Their object is not to allow any organized military company to pass though—that is, any volunteer company; not the United States troops.

Question. Have the association with whom you act intimated in what way they will be willing to permit them to come?

Answer. That is the only way I have ever heard them express any opinion.

Question. Have you given any notice that they must come in any particular way, or that they must not?

Answer. No, sir; they have not given any notice.

Question. Is it the intention of your organization to resist their coming?

Answer. I do not know as it is the intention particularly of our organization. I say that it is the sentiment of all. They may change that sentiment when that time comes.

Question. Do you mean that it is the sentiment of the people of

Maryland generally that the people of the north shall not be permitted to attend the inauguration of Mr. Lincoln in a particular way?

Answer. With arms, as military men. They can come as individuals, as they ordinarily come.

Question. Have you ever known military companies to come, as military companies, to attend inaugurations here?

Answer. Yes, sir; I have seen them.

Question. Have you ever known the people of Maryland to make any opposition to their visiting here in such a manner?

Answer. No, sir; I never did.

By the CHAIRMAN:

Question. Do you suppose it to be the purpose of those men that are drilling, to resist the passage through the State of Maryland of any volunteer companies with arms in their hands?—I mean, for them, merely as citizens, or to aid the State of Maryland to oppose them?

Answer. If the authorities of Washington called for the militia, for instance, of New York or Pennsylvania, or any other northern State, to come here, they certainly will be repulsed in Maryland.

Question. Will they be repulsed under the authorities of the State of Maryland, or merely by the citizens voluntarily?

Answer. That I do not know. I do not think that will be done by the authority of the State, because, from the opinion of Mr. Hicks at the present time, I do not think there will be any danger of that sort.

Question. Now, by way of understanding your meaning, suppose that the President of the United States, Mr. Buchanan, should issue his proclamation calling for volunteers from Pennsylvania to aid in defending the Capitol, and one or more companies should attempt to pass through Maryland in obedience to his proclamation; and suppose that the governor of Maryland should say nothing about it, neither forbid it nor grant it, would the company that you are drilling feel called upon to turn out to resist them?

Answer. The sentiments of my company are pretty much the sentiments of the whole of Maryland.

Question. That is what I want to get at.

Answer. I think they would act on that occasion.

Question. Act as against the United States?

Answer. They would repulse any volunteer company coming through Maryland, ordered in whatever form it might be.

Question. Do you think they would repulse any volunteer company coming here on the call of the United States, and without direction from the authorities of the State of Maryland to repulse them?

Answer. That I do not know.

Question. I mean, would they repulse them, on their own responsibility?

Answer. I do not know about that; I cannot say whether they would or not; I am not at liberty to state anything but my own feelings; I cannot state their sentiments as far as that is concerned.

Question. You have stated that you did not think that Governor Hicks would call upon these companies to repulse volunteer companies passing through?

Answer. No, sir; I do not think he would.

Question. Still, if he did not, you think they would repulse them?

Answer. That might be by the sentiment of Maryland; if every person in Maryland felt like I do they would.

Question. As far as you are concerned, you are of that opinion?

Answer. Yes, sir.

Question. Does this opinion arise on your part from the conviction that the authorities of the United States have not a right to call for volunteers to defend their own property?

Answer. No, sir; I only think there would be blood shed, which otherwise would not be.

Question. Do you think it would be better to give up the property than to have blood shed?

Answer. No, sir; I do not think there would be any attack made upon it.

Question. You feel sure of that?

Answer. I am perfectly certain there will not be.

Question. You think there is nobody in Maryland to do it?

Answer. There is nobody in Maryland that would take it or attempt to take it; but as I said if a force should come, then the people of Maryland would certainly rise in defence of their own State, which otherwise they would not do.

Question. That is to prevent people coming through their State with arms?

Answer. Yes, sir.

Question. They would do that in defence of the south?

Answer. Yes, sir.

Question. Have you heard of any property of the United States being taken lately in any of the southern States?

Answer. None but what I see in the papers.

Question. You suppose that those statements are substantially correct in regard to some of the forts and navy yards being taken?

Answer. I suppose it is; I have read it but I do not pass any opinion in regard to it.

Question. Perhaps this is rather wandering from the inquiry; the object is to get at the real purpose these men have that are drilling; if their purpose is lawful, of course that need not concern us; if they are unlawful, they might concern us, and perhaps I ought to confine the inquiries more particularly to them. Have you any idea how many companies are drilling in Baltimore?

Answer. No, sir; I have heard that the Minute Men have 15 companies.

Question. What are they? Are they anything different from the National Volunteers, so far as you know?

Answer. I do not know what their object is; they have asked me to drill company C, but I was engaged to drill this company, and so I declined.

Question. Do you know when these Minute Men were organized?

Answer. They organized themselves during the election. They are Bell and Everett men, or they were formerly.

Question. In politics they were Bell and Everett men?

Answer. Yes, sir.

Question. You have heard it said there were fifteen companies of them?

Answer. I have heard so; yes, sir.

Question. Do you know how large the companies are?

Answer. They told me there were from forty to fifty in each company.

Question. What do you understand to be their purposes, or have you heard them?

Answer. I have not heard, except the sentiment I have just now given.

Question. You mean to resist the passage of military companies from the north?

Answer. To resist anything of that description that may come.

Question. Do you think they have it in contemplation to seize the Capitol if Maryland should secede?

Answer. No, sir; they have not. They have nothing in contemplation of that sort. They do not think of Maryland seceding, not unless Virginia secedes. If Virginia goes, then Maryland goes with her. That is the sentiment of the people in general, I believe.

Question. Suppose Virginia and Maryland should secede, is it the sentiment that the Capitol would belong to Maryland then?

Answer. They expect to pay for it.

Question. To buy it?

Answer. Yes, sir.

Question. Suppose it could not be sold?

Answer. Their intention is to buy it.

Question. And in order to make sure of buying it, do you think they would consider it necessary to seize it first?

Answer. No, sir; I have not heard anything of the sort.

Question. You have heard no such sentiment expressed?

Answer. No, sir; nothing of that sort. Whenever they will do anything of that sort, they will not do it privately; they will do it publicly.

Question. This company that you are engaged in drilling drill mostly evenings, I suppose?

Answer. Yes, sir; we have no time to drill in the daytime.

Question. Did I understand you to say that the drilling was done with open doors, so that everybody could go in whenever they pleased?

Answer. Yes, sir.

Question. Is there any drilling done, or has there been, with the doors closed and a guard at the door?

Answer. No, sir; the National Volunteers have never drilled but one night.

Question. I mean the company you have been drilling for a month?

Answer. We drill in another company's armory, and we have never had any guard at the door.

Question. Where was it; in the third story?

Answer. No, sir; it was the first floor above; it might be called the second story.

Question. And no guard at the door, and nobody excluded?

Answer. No, sir.

Question. It was company C of the Minute Men that requested you to drill them?

Answer. Yes, sir; I think it was the company C; so I was told. I did not pay much attention to it, because I had no inclination to drill them.

Question You were already engaged?

Answer. Yes, sir.

C. FERRANDINI.

No. 24.

TUESDAY, *February* 5, 1861.

CHARLES G. WAGNER sworn and examined.

By the CHAIRMAN:

Question. Do you reside in this city?

Answer. I have been residing here for nearly a year past.

Question. Have you never resided here before?

Answer. Yes, sir; I resided here from the latter part of 1853, I think, to 1857, during General Pierce's administration.

Question. Were you connected with one of the departments?

Answer. I was here in the Pension bureau from 1853 to 1857. I then went out, and was register of the land office in Minnesota. I resigned and was called in last February. My last engagement with the government was as chief clerk of the Census bureau; and I resigned that place some time in December last, upon the secession of my State—the 24th or 25th of December, I do not know which.

Question. Do you know of the existence of any secret or open organization here that has for its object any violent interference with the operations of the government?

Answer. I do not.

Question. Either military or civil?

Answer. No, sir.

Question. Have you ever heard any talk of such a thing, except common rumor?

Answer. I have heard it talked of through the streets.

Question. I do not now allude to sensation articles that appear in the papers; but have you heard individuals talk about it, and speak of it as an existing fact?

Answer. Well, I have had many private conversations with gentlemen of my own section, confidential conversations, relative to the present state of the times and the course of this administration, which, of course, you would not ask me to state. They are matters which belong entirely to my own section.

Question. To what do you refer as your section?

Answer. To the south altogether, and my own State, and the cotton States.

Question. Which is your State?

Answer. South Carolina. I have held, and still hold, confidential relations with that State. I am connected with Colonel Hayne here. I have had many conversations with leading gentlemen of the south. I have had the good fortune to be in a position where I have had many conversations with them; but, of course, that is a matter you do not desire me to go into.

Mr. REYNOLDS. If it refers to this inquiry, it would be very proper that we should have it.

The CHAIRMAN. It would depend altogether upon what it was. For instance, an ordinary confidential relation, that does not relate to the subject of inquiry, we would not solicit information about if we could.

The WITNESS. I am perfectly free to state anything I know. I am one of those gentlemen that whatever I do the sun can shine upon.

By the CHAIRMAN:

Question. Do you know of any considerable number of military companies called the Minute Men?

Answer. In this city?

Question. In or out of the city.

Answer. I do not; nothing more than what I have seen in the papers.

Question. Do you know the purpose of any one company?

Answer. I do not. I have not been in any connexion with them in any shape or form.

Question. And you have no knowledge of them except what you derive from the public prints?

Answer. None at all.

Question. Have you any actual knowledge of an association called the K. G. Cs.?

Answer. I have not.

Question. You do not know whether such an association exists or not?

Answer. No, sir; I know nothing more about it than what I have seen in the papers, and I have not felt interest enough in it to ask about it.

Question. You state that you have no knowledge upon this subject except what you have of a private and confidential character. Can you state what you mean, in general terms, by confidential relations? The object of the question is to see whether they are exclusively out of the reach of proper inquiry.

Answer. I will state distinctly that they have no connexion at all with the subject which I understand you are upon—a conspiracy against this government, or against this city. I know nothing of any such thing. My conversations have been of an entirely different character.

Question. They have related, I presume, to plans for securing redress for what was believed to be southern grievances?

Answer. Precisely.

Question. Have any of them related to any plan of operation?

Answer. I have never had any conversation with anybody about plans. What I allude to is conversations with gentlemen, not in regard to any settled plan at all of any kind or character; nothing more than a general, loose conversation upon the subject of the day, which would naturally occur upon gentlemen meeting together, upon which I would give my opinion, and another would give his opinion.

Question. Rather suggestions than plans?

Answer. Yes, sir. I have given my own opinions very freely; I have not hid them. I have got my own opinions, and I have expressed them.

Question. Have you heard discussed the subject of preventing Mr. Lincoln's inauguration?—I mean, preventing it by force. Have you heard that subject discussed freely?

Answer. Yes, sir; we have heard that all around. I have discussed it myself, and given my opinion as an individual.

Question. You know of no concentrated opinion or plan in reference to it?

Answer. I do not.

Question. Have you heard, in the circle of your friends, opinions expressed upon that subject?

Answer. I have.

Question. Many dissenting from suggestions made?

Answer. Precisely; some differing from the suggestions of my own mind that I have given at times in the hotel and in private rooms.

Question. Wherever you happened to meet?

Answer. Yes, sir; without any idea as to a plan of any kind.

Question. Have you heard like suggestions with regard to seizing this city?

Answer. Yes, sir.

Question. Recently?

Answer. No, sir, not very recently; not since my State went out, because, so far as my State is concerned, I owe my allegiance to her, and am ready to obey her behest. I do not know that she has anything of the kind in contemplation.

Question. All suggestions coming from you since that time would naturally resolve themselves into State action?

Answer. Entirely the action of the State. I do not suppose that my State has any such idea; at least I have not. Mine are mere opinions, like those of any citizen.

Question. If you were called upon to propose any plan in connexion with any such subject, you would not think of doing it outside of the State?

Answer. I would not.

Question. You are a native of South Carolina?

Answer. Yes, sir.

Question. Do you know whether any troops, or volunteers, per-

haps, I ought to say, have been enlisted here in aid of South Carolina as against the government?

Answer. No, sir.

Question. None to go from here to South Carolina to aid them there?

Answer. No, sir; I do not. It would be a very small business, for we have all we want. I have never heard of any such thing. I have seen in the papers tenders of troops, and I know we could get all we want.

Question. Do you know Mr. Ezell, former doorkeeper of the House?

Answer. Yes, sir.

Question. Did you ever hear of his trying to get recruits for that purpose?

Answer. No, sir; I have not. He was a clerk in the Census bureau with me, and since his resignation I have not seen him more than twice. He is not a native of South Carolina, and has been very little in the State, and I have not talked with him at all on the subject.

Question. Perhaps I ought to limit the question, to make it strictly legal, to this: Have you ever heard him say that he was engaged in enlisting?

Question. No, sir; I have not. You need not limit your questions at all, for I am entirely ready to answer them. From what I heard him say, so far from his being engaged in enlisting troops, my mind received an entirely different impression. I advised him myself to resign. I said that as he was claiming to be from South Carolina, I thought he ought to resign. He said he would like to go home the last time I met him since his resignation, but he had not the means of going home. I do not know that he is here now; if he is, I do not know it.

Question. You alluded to some relations between yourself and Colonel Hayne. Did you mean to convey the idea that you had official relations with him, or merely friendly relations?

Answer. Yes, sir, official relations; I am acting as secretary for him.

Question. And it is such information as you may have received from your official relations with him that you deem confidential, and improper to communicate?

Answer. No, sir; it is not so much that. Of course that I should suppose you would not ask me. When I alluded to confidential conversations, I meant those that would occur with, perhaps, yourself, if I were intimate with you.

Question. You would consider it betraying gentlemen's confidence?

Answer. Precisely; nothing more than that confidence which would be the giving out the expressions of opinions as to what A, B, and C, would think or do in this emergency or that that might turn up. Nothing more than the mere suggestions of men's minds. I would be very willing to give my own suggestions; I have not been at all silent or choice in them.

Question. Well, state to some extent your own views.

Answer. They were just these: when, for instance, it was suggested as to preventing the Capitol from falling into the hands of the north,

I have seen it in the papers, and heard it on the streets, that the District of Columbia should never be permitted to go into the hands of the northern confederacy, in case the entire southern States went out. I was perfectly ready to take any part to defend the south in her claims to the District of Columbia. But my own opinion has always been that, until Maryland seceded, no southern State would ever ask for the District. It was one of those reversionary interests, if it reverted at all, it would have to be upon the action of Maryland. It was just in that view of the expression of opinion that would turn up that I allude to. I would prefer to have every gentlemen give his own opinion, and not state it myself. I did not mean that there was any concentration of opinion, or any particular purpose.

Question. Have you ever heard gentlemen express themselves in a way that would lead you to suppose that they regarded it as a duty to prevent the regular operations of the government going on, such as counting the votes, and the inauguration of the President, unless Maryland had seceded?

Answer. I have never heard any suggestion as to that. I have heard men chat over the subject; some one would ask the question, how would they get over it in case there is not a governor, but never as to any violent preventing it.

Question. That is, that senators and representatives might absent themselves?

Answer. Precisely; and in that event, it was asked, what would you do. It was a mere matter of opinion.

Question. You have never heard discussed the subject of a violent attack?

Answer. No, sir.

Question. Unless Maryland seceded?

Answer. Never heard even that, so far as the counting the votes was concerned.

Question. You have stated very frankly your own view, or your own position; that you would have been ready in any suitable way, such as taking up arms, or anything of that kind, to defend the rights of the south growing out of the secession of Maryland, and this reversionary interest being in controversy. Have you ever heard any considerable number of responsible persons express any view that they entertained that went beyond that, as against the United States?

Answer. No, sir; I have had but very little conversation about it. My circle is an exceedingly limited one; I never attend any meetings or anything of the kind; I have never taken any lot or share in any District movements since I have resided in Washington. My social circle is exceedingly limited. I have seen notices in the newspapers for meetings for volunteers, all of which have been perfectly idle winds to me; I have never paid any attention to them, or been to any of them, or asked about them. They were matters that did not concern me at all. With the exception of a very few social acquaintances, my time is spent with my family.

Question. Your family is here?

Answer. Yes, sir.

Question. Are you still connected with the Census bureau?

Answer. No, sir; I resigned in December last, as soon as my State went out—somewhere along the 23d or 24th of December; I went out about the same day that our members did; either the same day or the day after.

Question. You have never belonged to any of these military organizations?

Answer. No, sir.

Question. Nor to any other organization here?

Answer. No, sir.

Question. Nor had any knowledge of them in any shape?

Answer. No, sir; except from the public prints.

Question. You have spoken of this reversionary interest following the secession of Maryland. Did you confine that opinion in any particular conversations with other gentlemen, and, so far as they indicated their opinions, did they confine them to the mere question of jurisdiction, or does the opinion go to the very title of the property that the government owns here? Would this reversionary interest extend to the soil that the government has bought?

Answer. That is my opinion; I give it as the opinion of a lawyer, for that is my profession.

Question. That the government would be incapable of holding any property here?

Answer. I take it so; I look at it like one of those things where the object of the grant ceases it reverts to the grantor. I take it that the grant was for the purpose of the capital of the federal government.

Question. You do it then upon the principle of confiscation?

Answer. I do it upon the principle of the entire failure of the government.

Question. That would apply as readily to money as to any property?

Answer. I am one of those that want to have an equal division; to do justice to all sides.

Question. You have told all you know in regard to the object of inquiry?

Answer. Yes, sir.

CHS. WAGNER.

No. 25.

WEDNESDAY, *February* 6, 1861.

O. K. HILLARD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Baltimore now.

Question. Have you long resided there?

Answer. For the last six weeks.

Question. Had you never lived there before?

Answer. I lived there nineteen years at one time.

Question. How long had you been absent from Baltimore previous to your returning this time?

Answer. I reckon I was in New York for seven years.

Question. For the last seven years?

Answer. Not exactly the last seven years. I have been travelling south most of my time for two years past; all through the States—the southern States as far as Texas.

Question. But New York was really your home previous to this?

Answer. Previous to my travelling south, New York was my home.

Question. Did you travel through the most of the southern States?

Answer. Yes, sir.

Question. Are you connected with any military organization?

Answer. I am not.

Question. Have you any knowledge or acquaintance with a military organization called the Minute Men?

Answer. No, sir; not the Minute Men. I am not a member myself of any military organization. I was a member of one, but I have resigned.

Question. Of what organization?

Answer. Of the Seventh Regiment of New York National Guards. I resigned, however, three years since.

Question. Have you any knowledge of an organization existing in the United States called the K. G. C.'s?

Answer. I have some knowledge of such an institution.

Question. Did you ever belong to it?

Answer. No, sir.

Question. Have you any knowledge of what their objects are?

Answer. I have not an accurate knowledge; I have an idea what it is for.

Question. Based upon hearsay, mostly?

Answer. Hearsay, altogether.

Question. What do you understand, according to hearsay, its object to be?

Answer. I thought its object was to aid the liberal government of Mexico; that is what I have always been led to suppose.

Question. A sort of filibustering organization, as we should say?

Answer. Exactly; upon the Nicaraugua-Walker principle.

Question. Do you know of the existence anywhere of any organization, secret or open, that has for its object any interruption of the operations of the general government?

Answer. I do not.

Question. Or of any attack upon any portion of the public property; such as the Capitol, the navy yard, the arsenal, or anything of that kind?

Answer. I do not.

Question. Or that contemplates any interruption of the operations of the government in any respect, as, for instance, the inauguration?

Answer. There is an organization in Baltimore city now, having no such purpose as that that I know of; but it is to prevent what is termed Wide-awakes, or any armed body of men, from coming on to

Baltimore with Mr. Lincoln. Mr. Lincoln will not be interrupted as a citizen alone, but with an armed body of men he would be.

Question. How extensive is this organization?

Answer. It numbers some six thousand men now, I think.

Question. All in the city of Baltimore?

Answer. All in the city of Baltimore. They are gaining members every day. I do not know the exact position of it now.

Question. Is it a military organization?

Answer. Well, sir, they drill without muskets. I presume they would be supplied with muskets if necessary.

Question. By whom would they be supplied—by the State authorities?

Answer. I do not know who will supply them. I believe, though, that the arms are all ready for them now; but I am not certain. I would not say they were ready; but my belief is that they are.

Question. Of how many companies does the organization consist?

Answer. That I do not know; but there will be quite a number of them. In a body of men of that size there must be at least sixty companies, I suppose, to number six thousand men.

Question. Do you state this number from actual knowledge, or from hearsay only?

Answer. I state this from hearsay, as I am not a member of the organization. Therefore, my knowledge is altogether from hearsay.

Question. How long have they been organizing?

Answer. I think for the last four weeks.

Question. From all that you have heard you state the number to be six thousand; that is, you believe it to be six thousand?

Answer. I should think it was quite six thousand.

Question. You stated that their main purpose was to prevent armed bodies of men coming here with Mr. Lincoln?

Answer. To the best of my knowledge and belief, that is it.

Question. Are you pretty extensively acquainted in Baltimore?

Answer. Yes, sir; I do not suppose there is a man that lives in the city who is better acquainted there than I am.

Question. Have you ever heard any other objects expressed than that you have mentioned?

Answer. Yes, sir; I have. I have heard that one object was to attack Fort McHenry; but I do not believe that.

Question. That is, you do not believe they will attack it?

Answer. I do not believe that this organization was got up for that purpose. If it was necessary to take Fort McHenry, it would be done without any organization. Therefore it is not necessary for them to get up a body of men for that purpose; there is no occasion for it at all.

Question. Who is at the head of that organization?

Answer. I do not know who is at the head of it. I expect there are fifty heads of it.

Question. That is, the heads of the different companies who compose it?

Answer. I suppose so; I presume every captain of every company

has something to say in the matter. I do not know that they have elected a general-in-chief yet.

Question. Can you mention any of these heads of companies?

Answer. I had rather not answer that question. I will answer any question concerning myself, but I should dislike to answer the other.

Question. Does this organization extend beyond the city of Baltimore?

Answer. I think not.

Question. You think it is confined to that city?

Answer. That particular organization is.

Question. Have they adopted any name?

Answer. I think it is National Volunteers.

Question. Do you know any of the men that are connected with it?

Answer. I think I do.

Question. Are there any men in Baltimore that you ever heard say that they were connected with it?

Answer. Yes, sir.

Question. What are their names?

Answer. I would rather not answer that question.

Question. I suspect that is the very question we want answered.

Answer. I do not think I ought to compromise my friends. I will answer anything in connexion with myself individually; and if you will mention some name, and ask me if I know it to be one connected with the organization, I will tell you; but I do not think I should tell you the names I know. It is a very delicate matter, and I do not know what the consequences would be to myself.

The CHAIRMAN. It would seem to be a direct, proper, and legitimate mode of inquiry, in view of what has gone before. The witness states that there is an organization in Baltimore of six thousand men, but he states that he bases that remark upon information, not upon positive knowledge. Then the question was asked: Who is at the head of it? He says there are many heads, perhaps fifty. Who are they? The general statement, proceeding upon information, not knowledge, as explained by the witness. Then the question is put: Have any of these persons told you that they were connected with the organization? This is with the view that if there is importance enough to it, those individuals who have the exact knowledge may be brought here. It strikes me that it may be material to have these names. But I will take the sense of the committee.

Mr. BRANCH. My view of it is this, that there are two inquiries to be made: first, whether the object he supposes this organization to have in view comes legitimately within the line of our inquiry, this object being an attack upon the Wide-awakes, should they attempt to come here armed through the city of Baltimore. The second is, whether the testimony of the witness, being founded altogether on hearsay as to the object of the organization, is sufficient to justify us in demanding the names of persons belonging to the organization. I am not so clear upon the latter point myself. But I am inclined to think that the first inquiry I named would be a bar to anything in that line; that is, the query whether we are authorized by the House to inquire into the existence of an organization to prevent armed

Wide-awakes coming through Baltimore on the occasion of the inauguration, or on any other occasion. According to the witness's own statement the organization has no hostile designs upon the government, or against Mr. Lincoln.

Mr. DAWES. The witness has here disclosed the existence of an armed organization of six thousand men, although the understanding of the witness is that the organization was simply to resist the Wide-awakes coming here to attend the inauguration in a manner not agreeable to those in this organization. Suppose the witness is honest, as no one questions, in his conclusions, and suppose that what he concluded was outside of the purview of our inquiry, yet it would be our duty to ascertain whether the conclusions of the witness as to this organization are correct in point of fact; whether he has not been misled, for instance. If we should come to the conclusion that it was altogether without the extent of our inquiry to ascertain about an armed organization to prevent the Wide-awakes coming here, nevertheless we should see that it was a correct conclusion on the part of the witness whether they had not deceived him; whether, under the guise of an organization to prevent the Wide-awakes coming here in any other manner than what would be agreeable to them, was not a cloak under which they were, after all, organizing either to take Fort McHenry or to seize upon the capital. In that view of it, it recurs to me that we are justified in going to the length of our discretion, at least, to ascertain whether that was the real object of the organization. I am not so clear myself whether the present phraseology of our instructions is such as to justify our taking any action in regard to an organization in Baltimore, or the State of Maryland, whose actual purpose would be to prescribe rules and forms as to the manner in which men shall come here to attend the inauguration. But I do think it is our duty to see whether that organization has any other in view. Therefore I should be for ascertaining, as far as we are able, just exactly what that organization has in view, not taking it as conclusive that the witness has been accurately informed as to their purposes.

The CHAIRMAN. I suppose that the information as regards their purposes is not more conclusive, resting, as it does, upon hearing, than it is as to their existence. The error of Mr. Branch is, so far as the last point is concerned, in assuming that the purpose of their existence was proved, while the existence of the institution itself only rested upon hearsay. They both rest upon hearsay; and it is equally important that we should get persons connected with the organization, and that we should have their names and this witness for that purpose, both in regard to their purposes and in regard to their existence. It is all upon hearsay, as I understand it. This witness does not belong to the organization, he says, but makes his statements upon opinion. Then the question was: Have any of these officers or persons connected with the organization told you that they belonged to it? Yes, sir; they have. Who are they? That is the question. Now, that question is just as important for the purpose of enabling us to determine what their purposes are, as it is as to whether the organization exists.

Mr. COCHRANE. This organization, as I understand it, does not claim to be secret; they are open to view, not only as to their existence, but as to their object; so I infer from all the evidence which we have upon that point.

The CHAIRMAN. I do not think that question has yet been put together.

Mr. COCHRANE. I assume that to be the fact; therefore I do not see that there is any legal or other objection to disclosing the names of the parties who have disclosed the existence or the object of an organization of that kind. As to the question of disclosing, that addresses itself to the discretion of the committee. I should feel no more difficulty in asking the name of a person who has expressed himself as to the purpose and object of this association than I would in asking the disclosure of the name of the persons who disclosed the existence of the organization. The only question which addresses itself to my mind is, whether there is any useful object to be obtained in pressing further for information upon this point, in respect to which I think there is sufficient evidence before the committee already to satisfy us of the existence of an organization, and the specific purpose for which it had its initiation. I am not, therefore, for screening the witness from the disclosure of these names because of any delicacy which he may feel, or the crimination of any acquaintance that it may result in. I only feel a doubt in regard to the worth of the further prosecution of the inquiry. But inasmuch as it does not follow that further inquiry should not be made of these individuals when their names are disclosed, and inasmuch as, if their names are disclosed, it would be an element of further satisfaction to the committee, I should say that the witness should render the names to the committee.

The CHAIRMAN. Perhaps it might be well, before the question is pressed, to ask the witness whether the organization he alludes to is a secret or open one, and then bring up the matter so that the question, in the same shape, may come in; or this may be pressed now.

Mr. COCHRANE. I do not deem that the inquiry is in the direct line of the purport of the resolution given us in charge; but I regard that it is legitimate as an inquiry upon a subject which may result in directing us to the subject which we have given us in charge by the House.

Mr. BRANCH submitted the following formal objection:

First. The objects of the association or organization being stated on hearsay by the witness, are not sufficiently established to justify the committee in compelling the witness to disclose the names of persons supposed to belong to it.

Second. If its object is such as the witness has heard it to be, that is, the preventing armed Wide-awakes from passing through Baltimore, it is not within the scope of the inquiry which this committee were instructed by the House to make.

The objection was overruled.

The examination was then resumed, as follows:

By the CHAIRMAN:

Question. We now desire you to state the names of any persons that you have heard say that they belonged to this organization?

Answer. What will be the consequences if I object to answer?

The CHAIRMAN. That I cannot state; we simply have our duty to perform, and you have yours; we think it is our duty to press the question.

Mr. COCHRANE. I think the witness ought to give this information to the committee.

Mr. DAWES. We all appreciate the delicacy on the part of the witness; but the objection to voluntarily furnishing the name is all removed when the witness does it under objection and upon the call of the committee. There can then be no objection, so far as the matter of delicacy is concerned; it is relieved altogether of that. While the witness may feel constrained not to disclose the names of his friends voluntarily, it is, of course, for the witness to say when there is such a constraint upon him when he is brought into court as a witness and put under oath.

Mr. BRANCH. The law empowers committees of Congress to compel witnesses to answer, as fully as in a court of justice.

The CHAIRMAN. This witness came before the committee, not voluntarily, but subpœnaed by the committee, without being privy to it himself. He is brought here, you may say, by force, and is now required to answer the question by the same power that brought him here.

Mr. BRANCH. Perhaps I ought to say, in order that the witness may not misunderstand me, that the law empowers a committee of Congress to compel answers to questions, and gives them as much power as a court of justice possesses, provided that the question is pertinent to the object of inquiry. Whether it is pertinent or not is for the House of Representatives to determine, when the question is brought to their consideration.

The WITNESS. Has the witness a right to know whether the question is pertinent or not?

Mr. BRANCH. That is for the committee to decide. If the witness appeals from their decision, then the question goes to the House.

Mr. DAWES. If the witness declines to answer, then the matter can be taken before the House; and the House will pass upon the question, whether it is a proper one or not. If they decide it is not a proper one, then they will not compel him to answer. If they decide that is a proper one, then they would take such course with the witness as they might think fit.

The WITNESS. I think I owe it to my friends not to answer the question. If it only concerned myself, I would answer it immediately.

Mr. DAWES. I have no doubt but what the committee appreciate the feeling of the witness in not desiring to disclose the names of his friends; yet it is for him to consider, whether he can be reprehended at all, under the circumstances, by his friends.

The WITNESS. I do not know what the consequences would be. You know what Baltimore city is; it is a wild place. If they were to know that I disclosed these names, I have no idea what the consequence might be. There is no organization with any intention whatever to come to Washington.

Mr. DAWES. You know of no such organization?

The WITNESS. None that I know of; and those men I do know, and whose names I could disclose, I am satisfied belong to no such organization. They stated that they belonged to what were called the National Volunteers; I think you had one of that organization before you on yesterday.

Mr. DAWES. Who was he?

The WITNESS. Mr. Ferrandini.

By Mr. COCHRANE:

Question. You decline to answer this question for prudential reasons?

Answer. Yes, sir; for personal reasons. I do not think it is important to the committee. I do not object to answer because I object to the committee at all. I do not want to be impertinent or disrespectful.

Mr. DAWES suggested that this point be passed over for the present.

By Mr. COCHRANE:

Question. In regard to this association, did you understand it to be a secret association?

Answer. No, sir. They drill with open doors, I believe.

Question. Is its existence spoken of freely in Baltimore?

Answer. Yes, sir; there is hardly a man in Baltimore but what knows of this organization, and for that purpose, and that purpose only, I think.

By Mr. BRANCH:

Question. Have you any other knowledge of the objects of this association than seems to be possessed by the people of Baltimore generally?

Answer. I have not.

By the CHAIRMAN:

Question. Are you engaged in business in Baltimore at the present time?

Answer. I am not at present.

Question. Is it generally known who the officers of this organization are?

Answer. I take it there are a great many outside of the organization itself who know who they are. I do not think the members themselves try to keep it secret at all. I do not think there has been any secrecy. I understand they are known on the street by a red ribbon on the coat, so that if you should send your Sergeant-at-arms over there I expect you could get a thousand of them almost any time. I know that at the meeting the other night at Baltimore they were known by a red ribbon on their coats.

Question. Where do you expect they are to get their arms from? Have you ever been told by any of the members of the organization where they expected to get their arms?

Answer. My impression is that they have their arms already.

Where they came from I do not know; I presume, though, by private subscription.

Question. Have you ever been solicited to join this organization?

Answer. I have.

Question. By whom?

Answer. That question I would rather not answer, because I would then be giving you the name of one of the officers.

Question. Are you under any sort of pledge not to communicate that fact?

Answer. I am not.

Question. If this organization is so notorious, that is, if its existence is so notorious that they do not try to keep it secret, what could be the harm of your disclosing these names?

Answer. As I said a while ago, I do not know what the consequences would be. I do not fear anything except in regard to myself. I might receive some personal injury if I did disclose their names, because they are men who would not like to be taken from their work for a day or two to come down here for nothing, or what they would look upon as nothing.

By Mr. DAWES:

Question. Do you apprehend that you might be exposed to some personal injury for that inconvenience to them?

Answer. Yes, sir; I apprehend that from the character of some of the men I know.

By the CHAIRMAN:

Question. Have you belonged to any military organization in New York since you resigned in the Seventh Regiment?

Answer. I have not.

Question. Do you know of the existence of any organization in New York city that is to act in connexion with these National Volunteers in Baltimore?

Answer. I do not.

Question. Have you ever heard that one existed there for that purpose?

Answer. I have read in the newspapers something of the sort. I never heard it from individuals.

Question. Nothing more than what you have read in sensation articles in papers?

Answer. Only what I have read in the papers.

Question. Upon what do you base your opinion as to the number of this organization? You stated that it was 6,000, at least. Do you base that almost exclusively upon what has been told you by men who are members of the organization?

Answer. Entirely so.

Question. By their own representations?

Answer. By what I understood individuals to say at the meeting the other night at the Maryland Institute for the purpose of calling a convention over the head of the governor. I heard a man remark there that it was over 5,000 strong then.

Question. Did he make that remark in a public speech?
Answer. No, sir; he was a citizen in the crowd.
Question. Made it to some one who stood by him in the crowd?
Answer. He made it to me.

By Mr. BRANCH:

Question. Was he a member of the organization?
Answer. I presume he is a member; I do not know positively that he is.

By the CHAIRMAN:

Question. Have you ever heard any member of this organization say anything about their coming to Washington?
Answer. Not a word.
Question. Either that they were or were not coming?
Answer. I have heard them say that they were not coming; that they had no such intention—no such idea at all. Their object was simply for the purpose I have stated, and no other.
Question. To prevent northern military companies passing through there?
Answer. To prevent any military companies passing through, northern or southern; it would make no difference which they were. To prevent any armed men going through when Mr. Lincoln shall pass through. Individually, they have the greatest respect for Mr. Lincoln; and I think there would not be a solitary thing done, unless some military comes with him, which they look upon in the light of a threat.
Question. Do you understand that this organization is got up to be ready to meet this anticipated threat, if it should come?
Answer. Exactly so; that is exactly what it was got up for.
Question. Do you understand that they raised arms by private subscription on that basis alone?
Answer. Yes, sir; and I think that the day that Mr. Lincoln passes through Baltimore will satisfy everybody what their object is. The city of Baltimore is very strongly in favor of the Union—two to one, I should think.

By Mr. DAWES:

Question. Will you be kind enough to tell the committee what you know in reference to the sources from whence they obtained their arms?
Answer. I have nothing more than what I have said; I do not know anything more. I think they have arms; I do not know positively that they have; I merely think so. And I think their arms were purchased in that way.
Question. Have you any knowledge as to where they were obtained?
Answer. No, sir.
Question. You said you did not think this organization contemplated the taking of Fort McHenry, because you supposed if there was any occasion to take it, it would be taken in another way. In what way?

Answer. I never heard but one man make that remark, and he was not a member of the organization. He merely gave it as his opinion that that was what the organization was for.

Question. You thought it would be taken in another way, if there was any occasion to take it?

Answer. By the citizens of Baltimore, for the preservation of their rights.

Question. I allude to the manner in which it would be taken, not to the purpose.

Answer. They would take it, of course, with arms, if they took it at all. They could not go there and blow it down with their breath; they would have to take it with cannon and muskets?

Question. Why do you think these companies have no idea of co-operating in any such thing?

Answer. Because I never heard any one say it was for any such purpose. All the members I have talked to seem to be of one opinion.

Question. Have this organization any connexion with the attempt to hold a convention over the head of the governor?

Answer. I think not.

Question. Who was the gentleman who, at the meeting, told you that they were already 5,000 strong?

Answer. I do not know that he was a member of the order, and I can give you his name. He is Colonel Philip Barry.

Question. Why have you any more objection to telling us the names of the officers of the company than you have in telling his name?

Answer. Because, in justice to myself, I do not think I have any right to do it.

Question. Have you any objection to telling us the reason why you make a distinction between this gentleman and the others?

Answer. The man who told me that is a man of no influence at all, either political or any other; and the possibility is, that whatever I might say would not result in anything to me.

Question. Are the others men of political influence?

Answer. Some of them are, I believe, and some are not; that is, they formerly were in politics; they were mostly democrats.

Question. Who have held position in the party?

Answer. That I do not know.

Question. Are they men of influence in the city of Baltimore?

Answer. I suppose some of them have what is called shoulder-hitting influence—rowdy influence. That is about all.

Question. They are intimately connected with this organization?

Answer. I think that some of them are.

Question. Is it from them that you have obtained what you have stated to us as to what you suppose to be the purpose of the organization?

Answer. No, sir.

Question. Have you obtained from them any information respecting the purposes of the organization?

Answer. I cannot recollect now that I have.

Question. Will you tell us what information you have obtained from them respecting the purpose of the organization?

Answer. I cannot, because I placed no confidence in them at all.

Question. Have you been to any of their places of drilling, when they were drilling?

Answer. I have not; never in my life.

Question. Do you know who any of the individuals are who are teaching them?

Answer. You had one before you yesterday, Mr. Ferrandini.

Question. Do you know any of the others?

Answer. I cannot say I do, positively.

Question. You have stated that this organization has sprung up within the last month?

Answer. I think so; I am not certain. I will not state positively. My impression is that it is not over five weeks old.

Question. What is your age?

Answer. I was twenty-eight years old the 4th of last August.

By the CHAIRMAN:

Question. Did you travel through the southern States on business, or for pleasure simply?

Answer. I travelled partly on business and partly for pleasure.

Question. Did you travel all over the southern States?

Answer. All over the southern States. Yes, sir.

Question. Were you the agent of any corporation, or company, or organization?

Answer. I was at one time engaged with a mercantile firm in New York, and at another time with one in Baltimore.

Question. Agent for business transactions?

Answer. Yes, sir; altogether.

Question. Except so far as your pleasure was concerned?

Answer. That is all.

Question. Nothing connected with either the politics or the troubles of the country?

Answer. Not a thing.

[The witness was requested to retire while the committee consulted concerning the questions the witness had declined to answer. After a short time the witness was recalled.

The Chairman informed the witness that, for the present, the committee had concluded not to press him to answer those questions. If they should deem it necessary hereafter, then they would recall him and insist upon the answers.]

O. K. HILLARD.

No. 26.

WEDNESDAY, *February* 6, 1861.

PHILIP P. DAWSON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Baltimore city.

Question. Are you an old resident there?

Answer. Yes, sir; I was born there, and have lived there all my days.

Question. And you are very well acquainted there?

Answer. Yes, sir.

Question. Do you know anything of any organization that exists in this city or in Baltimore that has for its object any attack upon the Capitol here, or any interference with the government in any shape?

Answer. No, sir; I do not. Permit me to place myself right upon the record. I do not want it to be supposed that there is any secession in me. I am a Marylander and a Union man out and out; nothing else. I presume I have been summoned here for the purpose of getting at a conversation that occurred between a gentleman and myself.

Question. I will ask you in a moment about that. You have no knowledge of the existence of any such organization?

Answer. I have no personal knowledge of it at all.

Question. Have you heard it talked about?

Answer. Yes, sir; I have heard it charged in the streets that there was an organization of that kind.

Question. Have you ever heard anybody say that he belonged to such an organization?

Answer. No, sir; I never heard a man say he belonged to any organization of the kind.

Question. State any conversation that you may have heard having a bearing upon this subject.

Answer. There was a conversation between a gentleman and myself, perhaps the latter part of last week. We were both discussing the present difficulties; he taking an ultra view, perhaps, of one side, that of secession, and I of the other side. In that conversation he admitted to me that there was an organization of that kind in the city of Baltimore, and that he knew who led it, and where their meetings were held. That is about all I know about it. In fact, yesterday before I came down here, hearing that I had been summoned, and presuming that it had grown out of that conversation, he met me on the street; indeed he had been looking for me. And he then told me he knew who led the organization, and where it met. That is about all I know about it.

Question. Who told you this?

Answer. It was Mr. Joseph H. Boyd, a lumber merchant in South Caroline street.

Question. Did he specify what the object of the organization was?

Answer. Yes, sir; the object was to make an attack upon the Capitol, as I understood it, and to prevent the inauguration of Mr. Lincoln, the President elect.

Question. That was some day last week you say?

Answer. It was either on Friday or Saturday last that he told me. On yesterday when he met me, he refused to give me the names of the parties; where he got his information, or how he got it, I am unable to say. But my impression was that he got it from one of the parties; so I thought from the way he spoke.

Question. Did he indicate anything in regard to the magnitude of the organization—how large it was?

Answer. No, sir; nothing more than this: that a gentleman remarked to him that it would surprise him to know what was going on.

Question. What was going on in this respect.

Answer. Yes, sir.

Question. Are you well acquainted with this Mr. Boyd?

Answer. Yes, sir; I have known him for years; we grew up together.

Question. Is he a man that indulges freely in loud and gassy talk—a boastful sort of man—or is he a cautious man?

Answer. He is rather cautious; that was the way I took this expression of his. Supposing that somebody had been blowing to him, as the phrase is, I remarked to him, "O! somebody has been letting off a little gas to you." "No," he said, a little indignantly; and he replied a little tartly that it was a man of standing who had said so.

Question. Is Mr. Boyd a man of standing and position in Baltimore?

Answer. Yes, sir; I should say so.

Question. He is regarded as a respectable man?

Answer. Yes, sir.

Question. You say he is a lumber merchant?

Answer. Yes, sir.

Question. Is he largely engaged in business?

Answer. He has been doing a very pretty business. He is a man who is worth considerable property. I should judge him to be worth some $30,000 or $40,000. He has a great deal of property in the city.

Question. He is not a man very much given to blowing, as the phrase is?

Answer. No, sir; but he is like all other men who succeed in making a few dollars, and getting a little ahead; he has got his enemies. I have not seen a man yet, who has made a few dollars, that I do not find some one who had something to say against him.

Question. You have given all the information you have on this subject?

Answer. Yes, sir.

PHILIP T. DAWSON.

No. 27.

SATURDAY, *February* 9, 1861.

JOSEPH H. BOYD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In the city of Baltimore.

Question. Are you an old resident there?

Answer. I was born there.

Question. Are you very well acquainted there?

Answer. Well, yes, sir; I have a large number of acquaintances in the city, particularly in the eastern portion of it.

Question. Are you engaged in business there?

Answer. Yes, sir; the lumber business.

Question. Do you know whether there is existing there any organization, either civil or military, secret or open, that has for its object any hostile demonstration upon this city?

Answer. No, sir, I do not; not of my personal knowledge.

Question. Or any attack upon the Capitol here, or any of the public buildings here?

Answer. No, sir; I do not know of anything of that kind.

Question. Or that has for its object any resistance to the inauguration of Mr. Lincoln?

Answer. I do not know of any such organization.

Question. There is none for that purpose?

Answer. None that I know of.

Question. Or that contemplates any interruption of the proceedings of Congress or of the government in any shape?

Answer. No, sir; I do not know anything of that kind.

Question. Do you know of any military organization there recently formed for any purpose?

Answer. No, sir; I do not know of any. I know there is an organization, at least I saw the accounts in the public papers the other night calling upon the National Volunteers, five of its companies from A to F, to meet to drill.

Question. You saw the call in the papers for these several companies to meet to drill?

Answer. Yes, sir.

Question. Have you any knowledge of the organization more than what you have seen in the papers?

Answer. No, sir; it is a democratic organization.

Question. A political organization?

Answer. Yes, sir. I have never heard of anything on foot to disturb the Capitol at all, or interfere with the President, or anything of that kind. I know that people have their views, their individual opinions, which I have heard. But that is about all that I know of.

Question. How long has this organization been in existence? Do you know?

Answer. I think it originated somewere in the latter part of the summer.

Question. Previous to the election?

Answer. Yes, sir.

By Mr. BRANCH:

Question. Do you speak of the National Volunteers?

Answer. Yes, sir; there are some 2,500 of them, I believe; there was some three months ago. I have been at one or two of their meetings, but I never heard anything except that it was a political organization.

By the CHAIRMAN:

Question. How recently were you at one of their meetings?

Answer. I have not been at any of their meetings since the election, although they have had their regular meetings since that time.

Question. Were they in the habit of drilling before the election?

Answer. No, sir; I never knew it until I saw the call in the papers the other day for so many companies to meet and drill. There are minute men there who have formed themselves into companies; they are of the opposite party—the Bell and Everett party; I believe they have different companies, and I believe they drill. The military spirit is up there now, more so than I have ever seen in my life. The old military companies are enlarging themselves, and have divided themselves off into companies under the same name, alphabetically arranged.

Question. That is, the companies assume names after the letters of the alphabet?

Answer. Yes, sir.

Question. Are these companies of Minute Men and National Volunteers armed?

Answer. Not to my knowledge.

Question. They have not got arms yet so far as you know?

Answer. Not to my knowledge.

Question. Do you know when this system of drilling first commenced?

Answer. No, sir; all I know about the drilling is the advertisement I saw in the paper.

Question. Do you know who is at the head of the National Volunteers in Baltimore?

Answer. I think it is Mr. Wm. Byrne, the same gentleman, I believe, that brought the electoral vote of the State to Washington.

Question. Was he one of the electors?

Answer. Really I do not know whether he is or not. I know he was delegated to bring the returns here by the electors who met at Annapolis. Now, as regards my opinion in the matter, I do not believe there is any organization there determined to do any injury to the country. I believe our people are divided in regard to this matter; and if the difficulty is not settled, I believe a large portion of our people are for the south.

Question. In case of a division?

Answer. Yes, sir; but nobody wants to see it. God forbid that a happy country like this should be distracted by a question that will destroy all our happiness as a people. I love my country, and I want to see it united as long as time lasts. And many a man in Maryland would sacrifice his life if that would heal the difficulty.

By Mr. BRANCH:

Question. Is that the general feeling in Baltimore?

Answer. Yes, sir; I believe it is. We are all union men, but we all love the south; we do not want our rights to be trampled upon. And, therefore, we say in regard to the south, as Ruth of old said: "Your God shall be our God." That is our feeling; but we would all like to see the Union preserved.

Question. You would like to see the Union preserved honorably and fairly?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know upon information, or upon your own knowledge, what immediate object these companies have in view from drilling now?

Answer. No, sir; I do not. I could not say; I have no positive knowledge.

Question. Have you heard it talked of much?

Answer. No, sir; not particularly the National Volunteers. Their drilling did seem to create any excitement at all, from the fact that the other party, the Bell and Everett party, have been doing the same thing. They are rival organizations.

Question. Do you belong to any one of these companies yourself?

Answer. Yes, sir; I joined the National Volunteers previous to the election; but I have never attended their meetings since the election.

Question. I mean, do you belong to any one of these companies as they are now divided and designated by the letters of the alphabet?

Answer. No, sir; I have never been to but one or two of their meetings, perhaps three of them, and that was prior to the election.

Question. Where do they hold their meetings?

Answer. They hold their meetings on Fayette street, in the neighborhood of Battle Monument, just a few doors from Calvert street.

Question. Have you ever heard any of these men belonging to any of these companies express any determination to resist the passage of Mr. Lincoln through the State of Maryland?

Answer. No, sir; I have not; not particularly that I recollect of; not any member of that organization.

Question. You have not heard, even in conversation, any particular reason given for their drilling just at this time?

Answer. No, sir; I have not.

Question. And you do not know what the purpose is?

Answer. No, sir; I do not know what the purpose is. I should suppose that they wanted to be prepared in case of an emergency. That is all, I should suppose.

Question. In case of the secession of Maryland, or anything of that kind?

Answer. Yes, sir.

Question. Do you believe that they contemplate any action whatever unless Maryland shall secede; that is, do you suppose they contemplate any action until Maryland shall secede?

Answer. I do not know; I could not answer that question—not plainly.

By Mr. BRANCH:

Question. I presume the Chairman means to ask if they contemplate any action against the government in this District?

Answer. I have heard citizens of Baltimore say that if Virginia seceded, and Governor Hicks did not give the legislature a chance to meet, or the people a chance to have a convention, they did not know what would be the result; and some of them spoke as if they would resist under those circumstances.

By the CHAIRMAN:

Question. You heard individuals say so?

Answer. Yes, sir.

Question. You have no knowledge that that is the settled purpose of this organization?

Answer. No, sir.

Question. You have heard that opinion expressed by individual citizens?

Answer. Yes, sir.

Question. Have you heard that opinion expressed by those you knew belonged to this organization?

Answer. No, sir; I do not think I have. I do not think I could name a dozen men who belong to this organization if I should try. There are a large number that I know, but at the same time I do not think I could call a dozen names over.

Question. Do you know Mr. Philip T. Dawson, of Baltimore?

Answer. Yes, sir.

Question. Have you recently had a conversation with him upon this subject?

Answer. Well, sir, I had a conversation with him some ten days or two weeks ago, I guess. He is a man very extravagant in his remarks. He is a great Hicks man; and I made a sort of retort in reply to him, that I was satisfied in my own mind that the people of Maryland were not going to be governed much longer by Governor Hicks; that that was the sentiment, as far as I could judge from what I had seen and heard. I furthermore told him that I had heard some rumors, and what they were; but I had no idea that the man would take the trouble to have me brought down here to Washington. I did not exactly like the idea of having my name in the papers as being brought before this committee upon this subject, as if I was in it myself, or knew something about it. I mix very little with people of that class who would be willing to undertake anything like rebellion. In fact, I do not associate with them if I know it.

Question. As I have alluded to Mr. Dawson, I will ask you to state as nearly as you can what did occur between you and him.

Answer. I had been met by another gentleman on the street, who wanted to buy a piece of property from me. He had sold a farm that he had in the country, and I thought I was going to sell my piece of property to him. When I met him I remarked that he had not called according to promise. He said he had not, for he had made up his mind not to spend a dollar; that he was going to hold on to all the money he had, because he thought there was trouble brewing; I said to him "the news from Washington to-day looks as if the difficulty would be settled." He replied: "You don't know anything." "Well," said I, "you know a great deal; I wish you would give me some of your information." He then told me that there was a party that met at such a place frequently, and that his brother boarded at the same establishment. I did not pay much attention to it. He remarked that one of the best men in Maryland was at the head of it. I told Mr. Dawson the same thing as I received it. I did not put much confidence in it, although he was a very clever man.

The CHAIRMAN. I would say that Mr. Dawson did not ask to have you summond here. But your name was mentioned, and the committee deemed it best to send for you. I will read you that part of Mr. Dawson's testimony.

Mr. Dawson's testimony was then read to the witness as follows:

"Question. Do you know anything of any organization that exists in this city or in Baltimore that has for its object any attack upon the Capitol here, or any interference with the government in any shape?

"Answer. No, sir; I do not. Permit me to place myself right upon the record. I do not want it to be supposed that there is any secession in me. I am a Marylander and a Union man out and out—nothing else. I presume I have been summoned here for the purpose of getting at a conversation that occurred between a gentleman and myself.

"Question. I will ask you in a moment about that. You have no knowledge of the existence of any such organization?

"Answer. I have no personal knowledge of it at all.

"Question. Have you heard it talked about?

"Answer. Yes, sir; I have heard it charged in the street that there was an organization of that kind.

"Question. Have you ever heard anybody say that he belonged to any organization of the kind?

"Answer. No, sir; I never heard a man say he belonged to any organization of the kind.

"Question. State any conversation that you may have heard having a bearing upon this subject.

"Answer. There was a conversation between a gentleman and myself perhaps the latter part of last week. We were both discussing the present difficulties—he taking an ultra view, perhaps, of one side, that of secession, and I of the other."

[The WITNESS. He is mistaken there. I never took any such view.]

"In that conversation he admitted to me that there was an organi-

zation of that kind in the city of Baltimore, and that he knew who led it, and where their meetings were held. That is about all that I know about it. In fact, yesterday, before I came down here, hearing that I had been summoned, and presuming that it had grown out of that conversation, he met me on the street; indeed, he had been looking for me. And he then told me he knew who led the organization, and where it met. That is about all that I know about it.

"Question. Who told you this?

"Answer. It was Mr. Joseph H. Boyd, a lumber merchant, in South Caroline street.

"Question. Did he specify what the object of the organization was?

"Answer. Yes, sir; the object was to make an attack upon the Capitol, as I understood it, and to prevent the inauguration of Mr. Lincoln, the President elect."

The WITNESS. The conversation I had with Mr. Dawson was in reference to just exactly the report I had heard. The gentleman who told it to me made the remark—"You don't know what is going on," or "You don't know what is in the wind," or something like that. He said that he would not buy a dollar's worth of property now, but he would hold on to all his means. He had, as I said before, been treating with me for a piece of property; I then asked him what he knew, and he said "a great deal." Afterwards he told me that he knew there were meetings held regularly at the Eutaw House, and that was what I had reference to when I spoke to Mr. Dawson. I just gave it to him for a report, as I have done to you. I am on my oath, and I will give you the truth of the whole subject, so far as I know it. The remark this gentleman made was, that this party met there regularly, and that John V. L. McMahon was at the head of it; but I did not believe any such thing.

By Mr. DAWES:

Question. What did he say was their purpose?

Answer. He did not say.

Mr. BRANCH. I would not object to those names going on the record, provided the parties themselves shall be called here to testify in regard to the matter.

The WITNESS. I did not believe any such thing from the fact that that gentleman has been sick for some time. You know there are a thousand reports circulated every day in these times. I told the man that it was folly to mention it to anybody; that I did not believe it.

The CHAIRMAN. The only value, in fact, of such hearsay statements would be simply to put the committee on the track of more legitimate evidence by calling these parties themselves. I do not think it should be upon the record unless we follow it up.

The WITNESS. I do not think myself that there is any information I could give you that would be worth tracing. I do not place any confidence at all myself in this thing.

By the CHAIRMAN:

Question. In this conversation that you had with Mr. Dawson did

you suggest that the object of this organization, or of any organization you talked about, was an attack upon this Capitol?

Answer. No, sir; I did not. I did not know anything of the kind. The gentleman who told me this made the remark that I did not know what was in the wind, and that the reason that he would not purchase the property was that he had heard so and so. That was all hearsay throughout.

Question. You say that you did not convey to Mr. Dawson any idea that there was any organization to attack the Capitol or to prevent the inauguration of Mr. Lincoln?

Answer. No, sir; I only told him the remark as I had heard it made, and as I have told it here.

By Mr. DAWES:

Question. Do you know any disposition in Baltimore to obstruct in any way the passage of persons through Baltimore to attend the inauguration?

Answer. No, sir; I do not.

Question. Do you know anything of the existence of any organization in Baltimore having any connexion with the anticipated secession of Maryland and Virginia?

Answer. No, sir; I know nothing of that kind.

Question. What did you mean by the remark that you did not think the people of Maryland would submit much longer to be governed by Mr. Hicks?

Answer. According to my humble judgment, there is a feeling among the citizens of Baltimore, within the last ten days, of opposition to Mr. Hicks among some of his friends I have met with—men of some influence. They are all tired of waiting, they say. I think there is to be a convention of the people to be held next week; and from the general information I get from conversation, I am under the impression that the people are getting tired of being debarred of the privilege that they consider they have a right to—of being heard in this matter through their legislature or through a convention.

Question. In what way do they think they would relieve themselves from further control of Governor Hicks?

Answer. The public sentiment would drive him from his present position that he has taken in regard to our State, keeping her from expressing her sentiments, as we believe them to be. That is my opinion.

Question. How would they, in that way, relieve themselves from the further control of Governor Hicks? What is their plan?

Answer. I do not know any plan at all; only I should suppose that if he found that the masses were against him, and desired him to do so and so as the governor of our State, elected by the people of the State, he would do it. That is my opinion and the opinion of some others, as I have said before. I do not believe that Governor Hicks would be sustained by the vote of the people of Baltimore in any way, shape, or form, for they believe that they have the right to speak upon this subject.

Question. Then your idea of the people of Maryland relieving them-

selves from the control of Governor Hicks was only in reference to the covention?

Answer. Yes, sir; or the legislature.

Question. What connexion do you suppose the convention would have in relieving the people of Maryland from the further control of Governor Hicks?

Answer. I only had reference to that particular point of calling the legislature, or having a convention.

Question. Do you suppose the convention would call the legislature together?

Answer. No, sir; I do not think they have any such authority.

Question. What is the purpose of the convention?

Answer. To speak the sentiment of Maryland.

Question. Upon what subjects.

Answer. Upon the crisis, and upon the course of Governor Hicks.

Question. Do you know whether any of these organizations are co-operating with this movement to hold a convention?

Answer. No, sir.

Mr. BRANCH. I object to this course of examination in reference to the internal, domestic polity of the people of Maryland, having no reference whatever to an attack upon this government, or this District, or the government property here.

Mr. DAWES. Whether it has anything to do with the ultimate object of our inquiry would depend altogether upon the character of the testimony elicited. If there were divisions in regard to the internal polity of Maryland, and there was a disposition to revolutionize that internal polity so as to remove any barrier in the way of an attack upon the Capitol, then it seems to me this inquiry is proper.

The WITNESS. I have never heard anything in reference to any plan for disturbing the property of the government.

Mr. DAWES. I desire to find out the nature of the disturbing elements of the internal polity of Maryland, so as to see if, should they relieve themselves from the control of Governor Hicks, it would expose the public property here to the danger of an attack. That is the purpose of the inquiry. I am aware that, abstractly, the internal polity of Maryland has nothing to do with the matter we are instructed to inquire about. It is only as the nature of the evidence elicited relates to the ultimate purpose, in view of what may be done when they have relieved themselves from the control of Governor Hicks.

The CHAIRMAN. I think the investigation is taking a pretty wide range.

Mr. BRANCH. If I supposed it would elicit any such information as that, I would not object. But the witness has stated that he knows of no organization in Maryland with any such object in view.

The CHAIRMAN. I would not like arbitrarily to rule out any question of this kind, but I thought it was strained somewhat. I doubt whether any very extended examination in that line ought to be gone into.

Mr. DAWES. Under the suggestion of the Chairman, of course I will not continue the inquiry.

No further questions were asked the witness.

No. 28.

WEDNESDAY, *February* 13, 1861.

THOMAS H. HICKS examined.

By the CHAIRMAN:

Question. You are aware that this committee were directed to inquire as to the existence of any secret organization that has for its object any attack upon the Capitol, or any other public property. The committee having read some passages of your communication to the people of Maryland of the 3d of January, 1861, felt it their duty to try to obtain your testimony upon some points, and it is with that view that they have requested your attendance here.

Answer. I would very much prefer, if you will allow me to remark here, not to connect names with my testimony, unless the committee shall otherwise determine, for the reason (obvious to my mind, at least, and I think it may so present itself to the gentlemen of this committee) that if I do so connect the names of those from whom I have received verbal or written information, it may close up avenues of information that may hereafter become important.

Question. I will read a passage or two from your communication:

"But, my fellow-citizens, it is my duty to tell you that the reassembling of the legislature is wished for by many who urge it with a view to no such specification. I have been repeatedly warned, by persons having the opportunity to know, and who are entitled to the highest confidence, that the secession leaders in Washington have resolved that the border States, and especially Maryland, shall be precipitated into secession with the cotton States before the 4th of March.

"They have resolved to seize the federal Capitol and the public archives, so that they may be in a position to be acknowledged by foreign governments as the 'United States,' and the assent of Maryland is necessary, as the District of Columbia would revert to her in case of a dissolution of the Union. It is only contemplated to retain it for a few years, as the wants of the southern military confederacy will cause its removal further south. The plan contemplates forcible opposition to Mr. Lincoln's inauguration, and consequently civil war upon Maryland soil, and a transfer of its horrors from the States which are to provoke it."

With regard to that, the first inquiry the committee would wish to submit would be, whether you had actual personal knowledge of any such matters as we are directed to inquire about? If you had not such knowledge, then what were your sources of information, either verbal or written? When you come to detail those, while it is our duty to go as near the bottom as possible, many of the answers you are called upon to give will have to be left necessarily to your own discretion, because you have your duty to perform to your State. We should be glad to have the answers as full as you may deem consistent with the interests of the public service and of your own State. But when par-

ticular questions arise, it will have to be left mainly to your own judgment to determine what answers you will give.

I will now ask you if the declaration in your communication, as I have read it, is based upon any positive knowledge in your possession?

Answer. No personal knowledge of my own.

Question. Will you state, as fully as possible, upon what information, either verbal or written, you based the opinion there expressed?

Answer. I will give the bases of my belief of how this thing was designed. In the first place, I have the published copy of a letter written the 10th of January, 1860, by a firm in Charleston, South Carolina, to a French commercial firm in France; next, a publication, or programme, published in the Richmond Enquirer of the 17th of December last. That programme alone would have made very little impression on my mind. But interviews with several distinguished gentlemen, whose names I would prefer not to disclose, took place, in which declarations were made that led me to believe that an effort would be made to defeat the inauguration of Mr. Lincoln. I do not speak of this as evidence as a matter of course; but I am giving you the bases upon which I have formed my opinion of a design to attempt violence on or before the 4th of March, upon which I entertained the impression that something of that sort was designed.

The extract from a paper containing the letter referred to was read, as follows:

"The Newark *Daily Advertiser* has received from its Paris correspondent copies of two letters from a business house in Charleston to another in Paris, which shows, in a more practical way than has been done heretofore, that disunion has been a long-settled purpose. The first letter was written a year ago, (January 4, 1860,) ten months before the election of Mr. Lincoln. It contained the following passage:

"The fact of the matter is just this: our United States has grown too large to remain much longer as one country. It will soon be divided into two, viz: a northern and a southern confederacy. The south will not then purchase from the north, and will therefore be dependent upon all Europe. We will (the south,) when we withdraw from the northern half, put a heavy tariff on northern goods, and open our southern ports free to all the rest of the world.

"If France, or her manufacturers, want to sell millions more than she now does, let her watch the dissolution of this Union. We of the south hope for it—we pray for it. We have the cotton and the rice. We of the south are agriculturists—the northern half are manufacturers.

"We (S— & Co.) now want a few dozen of elegant hats from France. Do buy for us, say, five dozen fine jet black glossy silk hats, for men, of the style you think will prevail at Paris. Spring styles; do avoid the heavy bell crown. We are complete judges of styles; do not let any of the manufacturers put on you any old hats; don't want heavy rolled brims; want a crown of fashionable height; brim not too wide, with a pretty small curl to the side. No doubt some of your firm are of good taste. We prefer hats from P— or M—. Do

tell us if they are large manufacturers. We want the maker's name inside of the hats, and our names under theirs.

"S—— & Co., Charleston, South Carolina.

"Hats to cost from 10 to 12 francs."

The WITNESS. I next come to an interview with those present of a committee, the chairman of which was a distinguished gentleman; I would much prefer not to give any names for this reason: it must be apparent to all of you gentlemen that if I bandy names about in this connexion, it may deprive me of sources of information which may be important hereafter, and yet I cannot but think how much trouble and excitement might have been avoided if Secretary Floyd had heeded the anonymous letters sent to him prior to the John Brown raid. I have received many letters, all except one over the signatures of the writers' real names, though they are not all exactly connected with national matters.

By the CHAIRMAN:

Question. Without any reference to your communicating the names, can you give us to understand more definitely what this committee was for that called upon you?

Answer. It was to urge me to call the legislature together. A meeting was held in Baltimore, in the Universalist church, on the Saturday preceding Christmas, and this committee were from that meeting; when this committee called upon me taunts were used, my personal safety was alluded to, and reference was made to the hazard I would run if persisting in declining to convene the legislature; reference was made to shedding blood, and refusing to allow Lincoln to be inaugurated. I remarked to them that I could not see the necessity for the shedding of blood; that they knew I was a southern man and a slaveholder; and one of them spoke of abolitionists coming through the State of Maryland on or about the fourth of March, with arms and bands of martial music, as a cause leading to bloodshed; there has always been a good understanding between that gentleman and myself; and when he proceeded to remark in regard to my personal security and safety, he spoke of his kind feeling towards me, and I remarked the same to him. This interview was on Christmas eve.

The morning after I received two letters, one of which was anonymous, the only anonymous letter I have received in regard to these matters. In these letters I was advised of a movement on foot here to bring to bear upon me, as the executive officer of Maryland, such a pressure as would compel me to convene the legislature, and saying that if the legislature was convened resolutions would be passed carrying the State with the south, in order that they might seize upon the Capitol with an armed force. One of these letters was from this place. The following Sabbath there were four or five highly respectable and reputable gentlemen present, who heard everything detailed by a highly respectable gentleman from Washington, connected with one of the first families of our State. He went over very much the same ground set forth by the Richmond Enquirer of the 17th of December; that the design was to break up the government, get posses-

sion of the archives and Capitol, carry Maryland with the south, in order that there might be an end of the cession of Maryland to the general government of the territory upon which the Capitol and other public buildings were placed. And he designated or described the gentleman who was at the head of this movement. I believed the statement made by this gentleman to be true, because I know him to be a truthful and highly respectable man. He so described the gentleman at the head of this movement, without giving his name, that after he left the room and went into the parlor with the ladies we all agreed as to whom he referred. He did not speak of his own knowledge in this matter, but gave as the reason of his having the means of information that he was connected with a particular party of gentlemen here, so that he could not help hearing these things. And he gave the exact number of gentlemen who were secretly organizing here and in the city of Baltimore in reference to this matter. Now, I am not a timid man, but I believe in the old adage "forwarned, forearmed." And I believe it is well to be forearmed now, in order that if such schemes were on foot they might be stopped by the knowledge of suitable and proper arrangements to repel them.

The following is an extract from the National Intelligencer of January 31, 1861, containing the substance of the programme published in the Richmond Enquirer:

"'CIVIL WAR' IN VIRGINIA.—We are compelled to believe that our sprightly and enterprising contemporary, the Richmond Enquirer, aspires to be the Sempronius of political journals. At every juncture in our current history its 'voice is still for *war*.' Just a week in advance of the late presidential election it predicted that the 'vote of Virginia for Bell would divide the people of that State into a northern and southern faction, which, beginning in crimination, would end in *civil war*,' or rather 'would inaugurate *civil war* at the outset.' That crisis having been safely passed in peace, we next find our contemporary, in its number of the 17th of December last, advising as follows:

"'Let the first convention, then, be held between Maryland and Virginia, and, these two States agreeing, let them provide sufficient force to seize the city of Washington, and, if coercion is to be attempted, let it begin by subjugating the States of Maryland and Virginia. Thus practical and efficient fighting in the Union will prevent the powers of the Union from falling into the hands of our enemies. We hope Virginia will depute her commissioners to Maryland first, and providing for the seizure of Washington city, Forts McHenry, Washington, and Old Point, Harper's Ferry and Gosport navy yard, present these two States in the attitude of rebels, *inviting coercion*. This was the way Patrick Henry brought about the revolution, and this is the best use that Virginia can make of commissioners of any kind.'

"The people of Maryland and Virginia not having responded to this slogan, our martial contemporary descries the next approach of danger in the shape of the convention bill passed by the Virginia house of delegates, with a clause providing that the people should be allowed to vote whether the decision of the convention, in certain contingencies, should or should not be subject to their ratification. While the bill

in this form was pending in the Senate, the Enquirer, in its number of the 14th instant, held the following alarming language:

"'As to the reference clause, our opinion is unchanged. It meets our unqualified disapprobation. We believe that, if unamended, at the polls it will be full of danger—the danger of inducing the delegates set to work, with trammelled hands, to resort to deperate expedients in order to obtain State action at all; *the danger of "precipitating" a revolution in our own midst and civil war among the citizens of Virginia themselves*; finally, the last, worst danger of all, that of disgrace to the State, by delaying action at the very moment when prompt action can alone vindicate her honor and assure her safety. The mere adoption of this clause of the bill in the house of delegates has already served to add new determination to the spirit of northern aggression. Its final triumph in the general assembly cannot fail to subject us to the increased contempt of our northern enemies.'

"The legislature, in both branches, having proved insensible to the danger thus described, and having passed the bill with this 'popular feature' unmodified, we observe that the Enquirer has lost none of its faith in military logic, but in its number of the 29th instant warns the people of Virginia against the peril of electing a majority of delegates not pledged to immediate secession. It says:

"'*It would be difficult to estimate the lives* [deaths?] *which would result* from a triumph of the submissionist party in the approaching election. A majority of submissionists in the State convention *would produce in our midst all the worse evils of intestine revolution.* Events have already amply demonstrated the fact that there is a large body of citizens in the State who will under no circumstances, and at the dictation of no convention or other governmental body, submit to black republican rule. The election of submissionists to the State convention, then, *will tend inevitably to open a conflict between the State government and a large minority*, if not a majority, of the citizens of the Commonwealth. *Under such circumstances*, every dictate of patriotic duty and public security demands that the good citizens of the State shall unite to secure the election of delegates to the convention pledged to the policy of prompt resistance to abolition rule.'

"We think that, for an advocate of 'peaceable secession,' the Enquirer has a remarkable fondness for warlike figures of speech; and it also strikes us as not a little peculiar that there should never be any danger of 'civil war' or 'intestine revolution' in Virginia except when the views of our amiable contemporary are in some danger of being thwarted."

There has been published some of the correspondence between the commissioners of some of the southern States and myself. And much of the opinion I have formed in regard to a contemplated movement of that sort has grown out of interviews with those gentlemen, and other circumstances, as now detailed.

Question. I remember to have seen some correspondence between a Mr. Handy, the commissioner from Mississippi, and yourself. But I did not know how far it was correct.

Answer. The correspondence between Judge Handy and myself was published immediately, upon the same afternoon that he left. And

some weeks after, it was so repeatedly said that there had been a correspondence between Mr. Curry and myself, that I thought I had better publish it; and I did so. I mention the names of Mr. Curry, of Alabama, and Judge Handy, of Mississippi, because that correspondence has been published.

Question. Can you give the date of the publication of the correspondence between Mr. Curry and yourself?

Answer. I cannot, for I have not the paper with me. But I could send it to the committee when I return. I do not allude so much, however, to anything written, as I do to verbal statements and opinions expressed to me. Judge Handy said, among other things, that Mr. Lincoln and Mr. Hamlin would never be installed into office. When I reminded him that we were then treating in a way that I did not feel easy about, considering what the Constitution said about one State entering into agreements or conventions with another, he said, "we have watched that point, and do not intend to violate the Constitution of the United States." I asked him how he would obviate that difficulty. He said, "we want Mississippi to go out, say, to-day, Maryland to-morrow, and so on, until all the States south of Mason's & Dixon's line are out; and then we would form a southern union." I replied to that that while I deprecated the election of Mr. Lincoln as much as he or any other man did, yet I did not think that was a cause for breaking up this great country of ours; that if any one had been elected President of the United States in a lawful manner I would not like to see the Union broken up because of that.

I have some letters here upon the same subject, but I do not think it prudent to expose the names. I think the safety of the State of Maryland, and perhaps in part the safety of the Union, depends upon my concealing the names. One of the parties wrote me two letters, and referred me to two highly respectable gentlemen for his character, veracity, and standing generally. I went to those gentlemen and they bore him out fully in speaking of his character. This gentleman wrote of a secret organization.

Question. Have you given, as far as you deem it proper, the character of the contents of these letters?

Answer. They relate to matters entirely within the State of Maryland. My design is simply to make apparent to the committee the bases upon which I have formed my opinion. But I do not consider the statements I may make with regard to my own State as evidence relating to the main subject of inquiry before this committee.

Question. Merely as information that has influenced your opinions?

Answer. Precisely; that is my design. The committee must see, I think, the importance of my keeping the way open for further communications. If it were necessary and proper I could state what arrangements were made after the receipt of this first letter from this gentleman to whom I have referred. Many may think I have been scared by this; but I have not the slightest trouble from that. I have no feeling in the world upon the subject, against any individual, or set of men, or party, or section in any way. I was born and raised in Maryland; I am a slaveholder, and have been the owner of slaves since I was 21 years old; and my sympathies are with the south.

That I say to the world. But I am a Union man, and would live and die in the Union.

I have made a memorandum here of all that I have relating to the subject upon which I came here to speak. I have always intended to come before the committee. And I am very thankful to the committee for their consideration in not summoning me regularly as a witness. These are briefly the grounds upon which I based my opinion:

First. The letter by this firm in Charleston to the commercial firm in France.

Second. The programme published in the Richmond Enquirer of the 17th of December last.

Third. The interview with the committee of my own State.

Fourth. These letters and verbal statements.

By Mr. COCHRANE.

Question. For my own satisfaction, and for the benefit of the committee, I should like to ask a few questions in order to put this matter upon a proper basis. We have been examining in regard to an existing organization here or elsewhere to interfere with the federal authorities, or public property in the District of Columbia. Your name has become connected with that matter by the proclamation to which reference has already been made, and therefore you have been called upon. As I understand you, the information which you have regarding this District may be classified into two distinct parcels, one referring to action without the State of Maryland, and the other to the intestine commotions within Maryland. I wish to ask what is your judgment in respect to the first class of information; whether your judgment has been modified by subsequent events, so that you are satisfied now that there is no present danger from without the State of Maryland of any concerted action or confederated movement upon the District of Columbia, and federal property and authorities here?

Answer. I have not the slightest idea of any such thing at this time.

Question. Now, regarding the State of Maryland and its difficulties, without reference upon the cities and property and authorities of Maryland, have you any present belief that there are organizations there disciplined with a view to an attack upon the District of Columbia, the federal property here, or the federal authorities?

Answer. I have not; although I believe it was decidedly contemplated at one time.

By the CHAIRMAN:

Question. You think the whole matter is now changed?

Answer. Yes, sir; I think it was the settled determination some time ago to make an attack; but I do not believe there is the slightest danger of it now.

By Mr. BRANCH:

Question. Will you state the object that committee had in view that made that call upon you? What request did they make of you?

Answer. To convene the legislature.

Question. What was the character of the meeting that appointed that committee, and where was it held?

Answer. It was held in the Universalist church, in the city of Baltimore, and this committee was appointed to wait upon me and urge this matter upon me, and the importance of agreeing to the resolution requesting me to call the legislature together.

Question. In the resolutions passed by that meeting was there anything indicating a purpose or wish to attack the government or property here?

Answer. No, sir.

Question. Relating exclusively to matters in Maryland?

Answer. Yes, sir; and it was incidentally, in the course of conversation with the committee, that my personal safety was referred to. There was nothing of the kind in the resolutions.

Question. In the conversation you had with the members of that committee, did they intimate to you in express language that it was their intent or purpose to attack the government here, or its property in this District?

Answer. No, sir; they did not; that was a matter of inference entirely; I gathered it more from the declaration that the installation of Lincoln and Hamlin never would come off, and threats made in regard to my personal safety if I did not call the legislature together.

Question. Do you allude to taunts made by members of the committee?

Answer. Yes, sir; I was not at the meeting at all, and knew nothing of the proceedings there except from this committee.

Question. Then you say the next was an anonymous letter received on Christmas?

Answer. I received two letters: one was anonymous, and the other was not. One of the letters was signed "Marylander," the other was from a gentleman whom I never had seen.

Question. Did these letters state to you that there was an organization to attack this Capitol or government?

Answer. The character of the letter signed by a real name was more that of a warning to me than otherwise—to let me know the object of the terrible pressure brought to bear upon me to convene the legislature. They said they had reason to believe there was such an organization.

Question. Did you ascertain who wrote the anonymous letter?

Answer. No, sir; it was evidently written by a business man, and indicated pretty much the same facts as were indicated in the other letter.

Question. You know there is such a person as the one whose name is signed to that other letter?

Answer. Yes, sir; I had the pleasure of seeing him yesterday; I never saw him before.

Question. Did that letter detail to you the plan of the conspirators?

Answer. No, sir.

Question. Did it state that there would be an attack upon the public buildings here?

Answer. Yes, sir.

Question. Did it state the names of any persons engaged in that?

Answer. No, sir; it only stated the matter in a general way, and

said the ball was set in motion in the city of Baltimore. It was started, I supposed, by this meeting in the Universalist church, which appointed the committee to come down and call upon me. Then meetings were immediately advertised in Prince George's and Talbot counties and elsewhere looking to the same object, as I believed, all seeming to be dovetailed one into the other. All this convinced my judgment that there was something of that sort designed.

Question. The professed object of these meetings was to induce you to call the legislature together?

Answer. Yes, sir.

Question. Not indicating any design to attack this District?

Answer. Not these meetings.

Question. Have you the letter in your possession written by the gentleman in this city?

Answer. I have not. I felt it to be my duty to have the scheme publicly exposed, and I placed it in the hands of an editor, and he has not yet returned it to me.

Question. Was it published by the editor?

Answer. The substance of it was, withholding the name.

Question. About what time was it published?

Answer. I should think from the 10th to the 15th of January. You will find it in the Baltimore American at that time; it was copied in a number of other papers.

Question. Who was the writer of that letter?

Answer. I would prefer, if the committee will allow me, not to connect the names of any one of these persons with what I may state here, for the reason that if it becomes known that these names are given by me, it would shut off the whole way of my receiving information hereafter, which I consider important to the safety of the people.

The CHAIRMAN. The committee desire to go as far as possible to the bottom of this thing. The question just propounded is exactly in that direction; yet it seems across the governor's position and the duties to his State, and my own judgment is that he ought to decide for himself as to his own action.

The WITNESS. The public security is the only thing I have in view.

Mr. BRANCH. I would not press the question if it related to facts, and the governor should state that he could not divulge those facts without compromising the public safety; but the facts have been given, and the only thing kept back is the name of the person from whom these facts have been obtained. The public security can in no way be involved by divulging the names. The public security can only be compromised by divulging a class of facts that would endanger the public. We should have that person before us, that he may state the knowledge he has of this matter, and put this committee and the public authorities in the way of tracing out and arresting any intent of that sort that may be prevailing at this time. In this case I understand that the party professes to have knowledge of the particular matter about which we are inquiring.

The WITNESS. I beg your pardon; he only wrote as another gentleman spoke, that he had heard that such a thing was contemplated, and that he believed it to be so, but without knowing any fact con-

nected with it, except in that general sort of way. And precisely so in regard to this gentleman who gave information verbally. He was asked if he knew any such thing from personal knowledge, and he said he did not. In a word, I consider it very important that I shall keep the way open hereafter for the receipt of information, whether reliable or unreliable. I recollect distinctly that, during the trouble and excitement consequent upon the John Brown raid, I received copies of a number of letters from Governor Wise, all anonymous but one, which was written from Washington county. Now I have letters going to show that there is a design contemplated to burn a particular bridge and to assassinate particular individuals. All this is to be done in the State of Maryland. But I attach no consequence to this information. I have no doubt these things are talked over, but by a set of men who, in my opinion, cannot organize a system that they can carry out. But that the matter is talked over in secret conclave I have no doubt.

After further discussion, the question was overruled.

The WITNESS. If I believed for a moment that it would conduce to the public interest and safety, I would leave all this pile of letters with the committee, which I deem so important to myself; but I refrain from doing so, that, as one of the guardians at least of the public interest and safety, I may keep the way open hereafter for advice and information.

By Mr. BRANCH:

Question. You spoke of conversations that you had with Commissioners Curry and Handy?

Answer. I had no conversation with Mr. Curry. I did not see him at all.

Question. Was there anything in the correspondence between you and Mr. Curry that looked in any way to a conspiracy to attack the government?

Answer. Nothing of the sort.

Question. Was there anything in either the conversation or correspondence between you and Mr. Handy to that effect?

Answer. Nothing direct; inferential altogether. There was nothing in our correspondence going to that point at all. It was more from the conversation than otherwise. He seemed to be very pressing, and I could not conceive the necessity for the hot haste with which he seemed to press the matter. When I asked him, he said that all these things must be done before the 4th of March. I asked why. He said: "We never intend that Abraham Lincoln shall have dominion over us."

Question. Did you understand him to mean that they would prevent Abraham Lincoln from having dominion over them by resort to force, or that they would secede?

Answer. He did not explain; I was left to inference altogether; but, judging by all that I knew, I believed it could not be prevented otherwise than by violence. But he did not say so.

Question. It was merely an inference on your part?

Answer. Yes, sir; from that conversation and what followed. In

other words, I combined all these things; the correspondence and conversations between these gentlemen and myself; the letters I received; the visit of the committee to me, pressing me, in the earnest manner they did, to convene the legislature; the conversation afterwards with the gentlemen to whom I have referred, and various other things—all these taken together inclined me to believe that there was a design on foot at one time, and that if they could succeed they would do it. But I could not look upon the matter as they did. I considered Maryland peculiarly circumstanced, and, in my judgment, such a thing must end in the destruction of the State of Maryland.

Question. Have you ever been informed verbally, or have you ever received letters from any persons known to you to be responsible men, that the person so speaking or writing had a personal knowledge that there was a conspiracy in existence for attacking the property of the government in this District?

Answer. No, sir; nothing except in that general way.

Question. What did he tell you?

Answer. That it was a certain, positive design. He spoke of numbers of armed men in the cities of Baltimore and Washington who were engaged in it.

Question. He stated that to you as positively a fact within his knowledge—that there was such a design?

Answer. Not that exactly; but that he had heard it talked of. He spoke of such an organization, when his brother, who was present, chided him for being connected with such persons, saying he was not engaged in anything of the sort; and then gave his reasons, from knowing about it from other people, being in his position here, attending caucuses, &c.

Question. What I desired to know was, whether any responsible person ever informed you, verbally or in writing, that he knew of the existence of any such organization?

Answer. No, sir; I think not.

Question. All your belief is based on inferences and reports?

Answer. Yes, sir.

Question. Have you ever communicated to Lieutenant General Scott that there was a conspiracy in existence to seize this District or this Capitol?

Answer. No, sir; I think, however, it would be improper for me to communicate anything that has passed between us in that way. He is a public functionary, and so am I; and I think it is not proper, unless the committee should decide otherwise, that I should repeat anything that has passed in that way. I do not hesitate to say that there has been a very limited correspondence between General Scott and myself.

Mr. Branch. The object of the inquiry is simply to ascertain whether the troops of the regular army have been stationed in this city by General Scott upon information communicated by Governor Hicks, in order that the House, after seeing all the information upon the subject, may see the propriety of requesting the withdrawal of those troops.

The WITNESS. I can settle that without going any further. Troops were called here before I wrote a syllable to General Scott.

The CHAIRMAN. The disposition of the troops is not a matter within the control of the House of Representatives, much less of this committee.

Mr. BRANCH. Only to request.

The CHAIRMAN. The President of the United States is commander-in-chief of the army and navy of the United States. In the use of the troops he is limited only to such disposition of them as would not be an act of war against a foreign government. He cannot declare war, and we cannot control the troops.

Mr. REYNOLDS. I do not see how we can do anything.

Mr. BRANCH. I will not press the question.

By Mr. BRANCH:

Question. From all the knowledge within your reach, from all your sources of information, verbal and written, are you of the opinion that there has been at any time any organization gotten up with a view to attack the government and its property in this District?

Answer. I firmly believe that there has been. I do not believe it exists now; I believe it has been disbanded.

Question. At what period of time do you think that organization was in existence?

Answer. I do not say that it was in existence, but that I firmly believe that there was such an effort being made at one period. I believe so from the facts and circumstances brought to my knowledge. It may be that it is in existence now, as far I know; but I do not believe it is. I have very little doubt that there are secret organizations now in the city of Baltimore, limited in numbers and in power.

Question. Having for its object an attack upon the government property in this District?

Answer. No, sir; but for the purpose of thwarting the regular course of public affairs. These are mere matters of opinion, based upon such information as I have stated here; I cannot put my finger upon any fact or individual that I know to be directly connected with it. But I think there is quite as good reason for believing what I do believe as there was for believing in the letters sent to Secretary Floyd in regard to the John Brown raid at Harper's Ferry. I think from all that I know that the letters I have received are much stronger than those were.

Question. Have you any information in your possession, other than you have already communicated to the committee, tending to show the existence of a conspiracy to attack the government and its property in this District?

Answer. I have nothing that goes beyond what I have already stated, yet I have information looking to the same point that I do not think proper to give to the committee, unless directly required to do so.

Question In reference to your conversation with this committee that visited you, did I understand you to say that they stated to you that they knew of an organization in existence to attack the

government and its property in this District, or did you infer that from their conversation?

Answer. No, sir; I only spoke of that as a circumstance confirming me in my belief that there was some design of that sort; the taunting me, and referring to my personal safety if I declined to call the legislature together; that, with other things, tended to confirm me in the belief that there was some such design in contemplation.

[The above was examined and corrected by the witness.]

36TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 87.

NAVAL FORCE OF THE UNITED STATES—WHERE SHIPS ARE NOW STATIONED, ETC.

FEBRUARY 21, 1861.—Ordered to be printed, and recommitted to the select committee.

Mr. DAWES, from the select committee, made the following

REPORT.

The select committee, to whom was referred the message of the President of the United States of date January 8, 1861, with special instructions, in partial discharge of the duties imposed upon them, further report:

That they were instructed, among other things, to inquire "where the ships of the United States are now stationed, in what command, and under what orders?" The result of this inquiry, together with such observations as the peculiar circumstances under which it is instituted suggest, they now respectfully submit for the consideration of the House.

The entire naval force of the country in commission and under orders on the 16th of January, 1861, together with the name of the commander of each vessel and the station to which each had been before that date assigned, appears by evidence furnished the committee from the Navy Department to consist of the following vessels:

List of the vessels of the United States navy in commission on the 16th of January, 1861.

East India squadron, cruising on the East India station.

Hartford, steam sloop, Captain Charles Lowndes.
John Adams, sloop, Commander J. M. Berrien.
Dacotah, steam sloop, Commander William Radford.
Saginaw, steamer, Commander J. F. Schenck.
Vandalia, sloop-of-war, Commander S. P. Lee; on the way to the station.

Brazil squadron, cruising on the station.

Congress, frigate, Captain L. M. Goldsborough.
Seminole, steam sloop, Commander E. R. Thomson.
Pulaski, steamer, Lieut. Comg. W. H. Macomb.

Pacific squadron.

Lancaster, steam sloop, Captain John Rudd; at Panama, 3d Jan'y.
Saranac, steamer, Captain Robert Ritchie, " "
Wyoming, steam sloop, Commander J. K. Mitchell, " "
Cyane, sloop-of-war, Commander S. B. Bissell, " "
St. Mary's, sloop-of-war, Commander W. D. Porter, " "
Narraganset, steam sloop, Commander T. A. Hunt; on the South American coast.
Levant, sloop-of-war, Commander Wm. E. Hunt; at Hilo, 3d Sept.

Mediterranean squadron, cruising on the station.

Richmond, steam sloop, Captain D. W. Ingraham.
Susquehanna, steam sloop, Captain George W. Hollins.
Iroquois, steam sloop, Commander J. S. Palmer.

African squadron, cruising on the coast of Africa.

Constellation, sloop-of-war, Captain J. S. Nicholas.
Portsmouth, sloop-of-war, Commander John Colhoun.
San Jacinto, steam sloop, Captain T. A. Dornin.
Mystic, steamer, Lieut. Comg. William E. Le Roy.
Sumter, steamer, Lieut. Comg. J. F. Armstrong.
Mohican, steam sloop, Commander S. W. Godon.
Saratoga, sloop-of-war, Commander Alfred Taylor.

Home squadron.

Cumberland, sloop-of-war, Captain J. Marston; at Vera Cruz.
Powhatan, steam sloop, Captain S. Mercer; at Vera Cruz.
Pocahontas, steam sloop, Commander S. F. Hazard; at Vera Cruz.
Pawnee, steam sloop, Commander S. C. Rowan; at Philadelphia.
Brooklyn, steam sloop, Captain W. S. Walker; at Hampton Roads.
Sabine, frigate, Captain H. A. Adams; under orders to Pensacola.
St. Louis, sloop-of-war, Commander Charles H. Poor; under orders to Pensacola.
Macedonian, sloop-of-war, Captain James Glynn; on the way to Pensacola.
Mohawk, steamer, Lieut. Comg. T. A. M. Craven; supposed to be on her station, the coast of Cuba.
Crusader, steamer, Lieut. Comg. J. N. Maffitt; supposed to be on her station, the coast of Cuba.
Wyandotte, steamer, Lieut. Comg. O. H. Berryman; supposed to be on her station, the coast of Cuba.

Storeships.

Falmouth, sloop-of-war, Lieut. Comg. Chas. Thomas; stationed at Aspinwall.
Warren, Lieut. Comg. J. J. Boyle; stationed at Panama.

Fredonia, Lieut. Comg. J. M. Watson; stationed at Valparaiso.
Supply, Commander H. Walke; sailed from Pensacola, January 12, for Vera Cruz.
Release, Lieut. Comg. J. M. Frailey; returning from Mediterranean.
Relief, Commander John De Camp; at New York.

Special service.

Niagara, screw frigate, Captain Wm. W. McKean; special service to Japan.

Receiving ships.

Ohio, ship-of-the-line, Commander Wm. Smith; Boston.
North Carolina, ship-of-the-line, Commander J. H. Ward; New York.
Princeton, steamer, Commander H. K. Hoff; Philadelphia.
Alleghany, steamer, Commander W. W. Hunter; Baltimore.
Pennsylvania, ship-of-the-line, Commander A. Sinclair; Norfolk.
Independence, razee; Mare Island, California.

There were also in the ports of the United States, dismantled and unfit for immediate service, the following vessels belonging to the navy:

At Portsmouth, N. H.

Santee, frigate, 50 guns.
Dale, sloop, 16 guns.
Marion, sloop, 16 guns.

At Boston.

Colorado, steam frigate, 40 guns.
Minnesota, steam frigate, 40 guns.
Mississippi, steamer, 11 guns.
Vermont, ship-of-the-line, 84 guns.
Vincennes, sloop, 20 guns.
Preble, sloop, 16 guns.
Bainbridge, brig, 6 guns.

At New York.

Wabash, steam frigate, 40 guns.
Roanoke, steam frigate, 40 guns.
Potomac, frigate, 50 guns.
Brandywine, frigate, 50 guns.
Savannah, sloop, 24 guns.
Perry, brig, 6 guns.

At Philadelphia.

Pawnee, sloop-of-war, 6 guns.
Water Witch, steamer, 3 guns.

St. Lawrence, frigate, 50 guns.
Jamestown, sloop, 22 guns.

At Washington.

Pensacola, steam sloop.

At Norfolk.

Merrimack, steam frigate, 40 guns.
Plymouth, sloop, 22 guns.
Germantown, sloop, 22 guns.
Raritan, frigate, 50 guns.
Columbia, frigate, 50 guns.
United States, frigate, 50 guns.

At Annapolis.

Constitution, frigate, 50 guns.

The number of ships thus lying in port, dismantled and unfit for service, is twenty-eight, mounting, in the aggregate, eight hundred and seventy-four guns. None of them could be repaired and put under sail short of several weeks' time, and many of them would require for that purpose at least six months. No orders have been issued to put in readiness any of them.

According to the statement furnished the committee, the foregoing comprises the whole naval force of the country, both that which is in commission and in actual service and that which lies in port, and is from any cause unavailable in any sudden emergency.

From this statement it will appear that the entire naval force available for the defence of the whole Atlantic coast, at the time of the appointment of this committee, consisted of the steamer Brooklyn, 25 guns, and the storeship Relief, 2 guns, while the former was of too great draught to permit her to enter Charleston harbor with safety, except at spring tides, and the latter was under orders to the coast of Africa, with stores for the African squadron. Thus the whole Atlantic seaboard has been, to all intents and purposes, without defence during all the period of civil commotion and lawless violence to which the President has called our attention as "of such vast and alarming proportions" as to be beyond his power to check or control.

It further appears that of the vessels which might have been available for protection or defence in case of any sudden emergency arising at home, now at stations in distant seas or on the way thither, on the 13th of October last the Richmond left our coast to join the Mediterranean squadron; the Vandalia left on the 21st of December to join the East India squadron; and about the same time the Saratoga to join the African squadron; and others to join the home squadron, then in the harbor of Vera Cruz supporting one of the revolutionary governments of Mexico.

The committee cannot omit to call attention to this extraordinary

disposition of the entire naval force of the country, and especially in connexion with the present no less extraordinary and critical juncture of public affairs. They cannot call to mind any period in the past history of the country of such profound peace and internal repose as would justify so entire an abandonment of the coast of the country to the chances of fortune. Certainly since the nation possessed a navy it has never sent its entire available force into distant seas, and exposed the immense interests at home, of which it is the special guardian, to the dangers from which, even in times of the utmost quiet, prudence and forecast do always shelter them.

But the committee cannot shut their eyes to the fact that this remarkable state of things has occurred at a period in our history without a parallel for internal commotion, lawless violence, and total disregard of the authority of the Constitution and laws, and of the rights of property public and private, a state of things which the President himself, in the message referred to this committee, denominated a revolution of "such vast and alarming proportions as to place the subject entirely above and beyond Executive control." During this period combinations have been formed for the avowed purpose of overthrowing the government itself, and have carried forward that purpose in overt acts of violence never before known in the country. The arms of the government have been seized in arsenals, and other places of deposit, by lawless mobs and placed in the hands of those in open rebellion. Fortifications have been taken possession of; navy yards plundered and magazines robbed. The guns of the United States upon the battlements of the national defence have been turned upon unarmed vessels of the government, and the flag of the country fired upon by insolent rebels. The revenue service has been betrayed, and its vessels treacherously surrendered to those who defied the authority of the United States by men holding commissions under the very government they were betraying. The public moneys in the national mints have been seized, and naval stores plundered. The commerce of the country, and the lives of its citizens have been put in peril by the wanton and lawless destruction of buoys erected to warn the mariner of sunken rocks; and the lights on the coast have been put out that the darkness and the temptest might be invoked in aid of the schemes of those resisting the law. Unarmed and unoffending merchant vessels riding peacefully at anchor in the harbors of the nation, and beneath its own flag, have been seized by insurgent forces in retaliation for obstructions thrown in the way of their revolutionary designs. The law has been defied, the Constitution thrust aside, and the government itself assaulted.

Nor has this state of lawless violence and total disregard of public and private rights been a sudden outburst of passion or discontent at some new and unexpected measure of governmental policy to which resistance had never been threatened and could not have been provided against. But it is in fulfilment of schemes long entertained and frequently threatened in certain quarters of the Union. Indeed, it is resistance to the law and the Constitution consequent upon the election of a particular person to the office of Chief Magistrate of the nation. Of all this, those charged with the execution of the laws

and the preservation of the public peace had ample notice. It was for many months apparent to all but the blind that the whole current of events was turned in the direction which was to bring to the test the sincerity of the threats thus uttered. A chief magistrate of one of the States had, more than two years before, publicly confessed a design on his part, if the like contingency had happened at the general election four years ago, to have made the attempt to overthrow the government by seizing the public arms at Harper's Ferry and marching upon the capital itself. When the legislature of South Carolina assembled in November last to discharge the constitutional obligation of making choice of electors of President and Vice-President, the governor of the State, by special message, recommended that measures should be taken to overthrow that Constitution if the choice of the majority did not coincide with her own. In fulfilment of these open threats, overt acts of resistance to the government by bands of lawless men followed the announcement that the people, according to the requirements of the Constitution, had made selection of a Chief Magistrate for the ensuing four years not the choice of those who had openly avowed resistance if their own preferences should be disregarded by that majority. From that time to the present the public authority has been defied and the public rights disregarded. Yet during all this time that most important arm of the public defence, the entire navy, has been beyond the reach of orders, however great the emergency.

To the committee this disposition of the naval force at this critical time seems most extraordinary. The permitting of vessels to depart for distant seas after these unhappy difficulties had broken out at home; the omission to put in repair and commission, ready for orders, a single one of the twenty-eight ships dismantled and unfit for service in our own ports, and that, too, while $646,639 79 of the appropriations for repairs in the navy the present year remained unexpended, were, in the opinion of the committee, grave errors in the administration of the Navy Department, the consequences of which have been manifest in the many acts of lawless violence to which they have called attention. The committee are of opinion that the Secretary had it in his power, with the present naval force of the country at his command, and without materially impairing the efficiency of the service abroad, at any time after the settled purpose of overthrowing the government had become manifest, and before that purpose had developed itself in overt acts of violence, to station at anchor, within reach of his own orders, a force equal to the protection of all the property and all the rights of the government and the citizen, as well as the flag of the country from any outrage or insult, at any point on the entire Atlantic seaboard. The failure to do this is without justification or excuse.

RESIGNATIONS IN THE NAVY.

The attention of the committee was also drawn to the resignations which have taken place among the officers in the navy, caused by the political troubles in which the country is now involved, and the course pursued by the Navy Department in reference thereto. It will appear,

from a "list of resignations" furnished by the department, and which accompanies this report, that since the election twenty-nine officers in the navy, citizens of the southern disaffected States, have tendered their resignations to the Secretary, all of which have been forthwith, and without inquiry, accepted by him. The circumstances under which these resignations have been received and accepted, and the effect of that acceptance, deserve especial notice. That these officers have sought to resign, and relieve themselves from the obligation to the government, imposed by their commissions, because of disaffection and a desire to join, and in many instances to lead, insurgent forces against that government, is notorious. One of them, Lieutenant J. R. Hamilton, a citizen of South Carolina, forwarded his resignation from on board the Wyoming at Panama, dated December 1, 1860. It did not reach the department till the 15th of the same month; and, without inquiry into his conduct, his purpose in resigning, his loyalty, or any circumstance connected with so unusual a proceeding at such a time, his resignation was accepted the same day. He, immediately, from Charleston, South Carolina, issued a letter addressed to all the officers in the navy from southern States, urging them to resign and join a hostile force against the government, and that those of them in command should bring with them their vessels into southern ports and surrender them to the traitors already in arms, taking new commissions under their authority, and then turning their guns upon their own flag.

Such conduct is nothing less than treason, and has no parallel since the attempt of Benedict Arnold to deliver over important military posts to the enemies of his country. Had the Secretary declined to accept the resignation thus tendered, this man would have been subject to the trial and punishment of a court-martial, according to the rules which govern the service, and would have met the fate of a traitor. This extraordinary letter was published throughout the United States. After its circulation in the public prints in Washington, V. M. Randolph, a captain in the navy, a citizen of Alabama, who had been excused from active service for two or three years because of alleged ill health, on the 10th of January, 1861, forwarded from Montgomery, Alabama, his resignation to the Secretary. Before 12 o'clock at noon of the 12th, and before his resignation had reached Washington, and while he was still a captain in the navy, he appeared at the gates of the Pensacola navy yard, in Florida, at the head of an insurgent force, and demanded its surrender. The yard, with whatever of force it had, and the United States stores and other property, to a vast amount therein, was unconditionally surrendered to him; and he is now its commandant, occupying the quarters of the late commandant, and granting paroles of honor to such of his prisoners of war as have desired to depart and not serve under him. The despatch from the late commandant, then a prisoner of war, informing the Secretary of this ignominious surrender, was received at the department on the evening of the 13th of January; and the resignation of Captain Randolph, who on the 12th was the leader of the insurgents, did not reach the Secretary till the 14th, when, without inquiry or delay, it was immediately accepted.

E. Farrand, commander in the navy, and also a citizen of Alabama, was the second in command at the Pensacola navy yard, the executive officer of the yard. When the attack was made upon the yard, Farrand met the assailants at the gates by previous understanding, admitted them to the yard, and conducted their leader to the commanding officer; participated in the formal capitulation, and immediately engaged in service under the new commandant of the yard. This was done while he still held in his possession his commission as a commander in the navy. On the 13th or 15th of January, (the department does not know which,) Farrand forwarded his resignation to the Secretary, but it did not reach him till the 21st of the same month, seven days after official notice of the surrender had been received at the department. Yet this resignation was immediately, and without inquiry, accepted.

F. B. Renshaw, a lieutenant in the navy, and a citizen of Florida, was the first lieutenant of the yard, and actively engaged in securing its surrender. It was by his order that the flag was hauled down amid the jeers and shouts of a drunken rabble. He immediately enrolled himself under the leader of the insurgents and present commandant of the yard; and from the day of its surrender has continued under him to discharge the duty of first lieutenant, as before, under the United States. Yet he continued to hold his commission as a lieutenant in the navy till the 16th of January, and his resignation did not reach the Secretary until the 22d, when, like the others, it was, without inquiry or delay, accepted.

The conduct of these officers plainly comes within the constitutional definition of treason against the United States, viz: "levying war against them, or in adhering to their enemies, giving them aid and comfort." And so long as their resignations were unaccepted by the Secretary, they could be tried and punished by a court-martial as traitors. From this they have been relieved by the Secretary himself. To have done this with a knowledge of their acts, would have been to have involved himself in their crime; would have been to have committed treason himself. To have done it without inquiry, and without reason to know that they have committed no offence, shows a want of that solicitude for the honor and efficiency of the service which is indispensable to its just administration. Yet the resignations of Farrand and Renshaw, and also those of the other officers resigning at the Pensacola navy yard, were all received and accepted after the Secretary had already been officially informed that they had surrendered to a lawless band of insurgents; and he had detached them to await orders, having "neither approved nor disapproved of their conduct, and not proposing to do so without full information touching their conduct in the surrender of the yard." Why, after having been thus warned, and having taken his position, the Secretary did not wait for this "information," the committee cannot understand.

Several other resignations of officers who do not appear to have engaged in actual war against the United States before tendering the same, were nevertheless accepted by the Secretary with an unnecessary haste which neither the purpose of the resignations nor the times would justify or excuse. Some of them were even accepted by tele-

graph, when it was perfectly apparent that the object of resigning was to relieve themselves as early as possible from embarrassment and the obligation of the oath of office, as well as summary trial and punishment by a court-martial, previous to joining insurgent forces against the constituted authorities of their country. These resignations, thus accepted, have been followed by immediate engagement in a service hostile to the government.

One man, holding the office of civil engineer in the Pensacola navy yard at the time of its surrender, forwarded his resignation on that day to the Secretary enclosed in a letter to Senator Mallory, in which he expressly states the reason of his resignation to be because he is prevented from acting against the government by the obligations of his commission. The letter of resignation, and the one enclosing it, stating this reason, were both laid before the Secretary on the 24th of January; yet the Secretary not only accepted the resignation at once, and thus relieved him from the obligation imposed on him by his commission not to act against the government, but caused the acceptance to take effect "from the 12th of January, the day of the surrender of the yard," twelve days anterior to the time of its date. The reason given for thus making this acceptance retroactive in its effect, viz: to stop his pay from that time, did not appear, under the extraordinary circumstances by which it was surrounded, at all satisfactory to the committee.

The resignation of the officer in charge of the marine hospital at Pensacola was accepted by telegraph, and he was thereby enabled to take upon himself the same position under the insurgent force without any interruption. And that of Lieutenant R. T. Chapman, dated on board the Brooklyn, when about to sail under orders, was likewise accepted by telegraph, and he was thus relieved of any inconvenience he would otherwise have experienced in being carried to sea against his wishes.

The course pursued by the Secretary, in thus accepting these resignations, appears, under the circumstances, to be most extraordinary. No custom of the department, in ordinary times, could justify it. No want of confidence in the loyalty of these officers can excuse it; for if their previous conduct had justified any such suspicion, it also demanded investigation beforehand, which would, as to some of them, have disclosed to the Secretary their complicity in treason, calling for court-martial rather than honorable discharge. A prudent regard for the public safety would, no doubt, have justified, if not imperiously demanded, that some of these officers should have been early removed from delicate and responsible positions of trust by the substitution of others more reliable. But these very considerations appear to the committee to have forbidden the furnishing any such facilities for engaging in hostilities against the government, as the relief from the summary trial and punishment of a court-martial secured by an acceptance of their resignations.

The course pursued by the Secretary has resulted in furnishing those engaged in an attempt to overthrow the government with the skill, experience, and discipline, which education at the expense of the government, and a long service in the navy, have conferred upon

our own officers. The committee cannot understand how this course is consistent with a proper discharge of the duties of his office by the Secretary in this critical juncture of affairs. It appears to them to have been attended with consequences the most serious to the service and the country. They can find no excuse or justification in the claim set up in behalf of the Secretary, that these resignations have been accepted in ignorance of any misconduct; for no resignation should, at any time, be accepted until there is reason to know, at least, that the officer tendering it had been guilty of no unofficerlike conduct deserving a court-martial.

But the circumstances connected with these resignations, the apparent purpose for which they were made, and the hostile attitude which the manner of their tender clearly disclosed, called upon the Secretary to refrain from that haste in their acceptance which permitted of neither delay nor inquiry. The committee cannot approve, but are compelled to condemn such a failure in the discharge of public duty, and they therefore recommend the adoption of the accompanying resolution:

Resolved, That the Secretary of the Navy, in accepting, without delay or inquiry, the resignations of officers of the navy, who were in arms against the government when tendering the same, and of those who sought to resign that they might be relieved from the restraint imposed by their commissions upon engaging in hostility to the constituted authorities of the nation, has committed a grave error, highly prejudicial to the discipline of the service, and injurious to the honor and efficiency of the navy, for which he deserves the censure of this House.

MINORITY REPORT.

Mr. Branch, a member of the select committee of five, to whom was referred the President's message of January 8, with instructions to make certain inquiries, not concurring with the majority of the committee in the report and resolution which they have instructed Mr. Dawes, of Massachusetts, to present to the House, by leave submits his views as follows:

The committee was raised on the 9th day of January with the following instructions:

"1. Whether any executive officer of the United States has been or is now treating or holding communication with any person or persons concerning the surrender of any forts, or fortresses, or public property of the United States; and whether any demand for such surrender has been made, when, and by whom, and what answer had been given?

"2. Whether any officer of this government has at any time entered into any pledge, agreement, or understanding with any person or persons not to send re-enforcements to the forts of the United States in the harbor of Charleston, and the particulars of such agreement, pledge, or understanding; when, where, and with whom it was made, and on what consideration?

"3. What demand for re-enforcements of the said forts has been made, and for what reason such re-enforcements have not been furnished?

"4. Where the ships of the United States are now stationed, with what commands, and with what orders?

"5. Whether the custom-house, post office, arsenal, and other public buildings of the United States at Charleston have been seized and are held in possession by any person or persons, and the particulars of such seizure and possession?

"6. Whether any revenue cutter of the United States has been seized and is now held in possession by any person or persons, and the particulars thereof; and whether any efforts have been made by the head of the Treasury Department to recapture or recover possession of said vessel?"

In no one of these branches of inquiry can anything be found to justify or demand a scrutiny into the conduct of naval officers, the motives which induced them to resign their commissions, or into the propriety of the Secretary's action in accepting the resignations. However much there might be found deserving reprobation, the committee was neither authorized nor required to take cognizance of the subject.

The resignations of Captain V. M. Randolph, Commander E. Farrand, Lieutenant F. B. Renshaw, and Civil Engineer S. T. Abert, all bore date after the committee was appointed, and the circumstances attending their acceptance by the Secretary could not be legitimately before the

committee without new instructions from the House, which have not been given. Nothing is better settled than that neither a standing nor a select committee has a right to report upon matters which have not been referred to them by the House.

The undersigned, however, does not think it proper to object to the reception of the report and resolution, because, in his opinion, no unnecessary obstructions ought to be thrown in the way of any fair scrutiny into the conduct of public officers.

I.—DISPOSITION OF THE VESSELS OF THE NAVY.

An examination of the table accompanying the report, marked "list of the vessels of the United States navy in commission on the 16th of January, 1861," will disclose the fact that so far from there being any ground to believe that the ships of the navy have been purposely placed out of reach, the foreign squadrons are unusually weak in proportion to the whole force of the navy, and the home squadron unprecedentedly strong.

In his annual report of December 3, 1857, the Secretary of the Navy said:

"The home squadron, under the command of its flag officer, Hiram Paulding, has consisted of the steam frigates Wabash and Roanoke, the sloops-of-war Saratoga and Cyane, and the war steamers Susquehanna and Fulton. The unsatisfactory state of affairs in New Granada and portions of Central America required the increase of this squadron, and the almost constant presence of a considerable force in the neighborhood, both in the Atlantic and the Pacific."

From which it will be seen that at that time six ships were considered so large a force for the home squadron as to call for an explanation to Congress.

The home squadron, on the 16th of January, 1861, consisted of eleven ships, of which seven were steamers. Of the eleven, eight were on the coast, or under orders for the coast, and have since arrived. It is difficult to perceive from what portion of the testimony the committee have reached the conclusion that the only ships available for the defence of the coasts are the Brooklyn and one other. It is true they were, on the 16th January, the only vessels in our harbors, but the House need not be informed that vessels in commission are not allowed to lie idle in the harbors, but are required to cruise on their stations, coming in occasionally for supplies and for orders. The home squadron, as its name imports, is mainly intended to guard and protect our own coasts, and, on comparatively short notice, it could be concentrated for service at a given point.

It will be seen from the abstract of orders issued from the Navy Department, furnished to the committee, and dated 24th January, that not a single ship has been ordered to any foreign station since the date of the Presidential election. Every order since that date has been to increase the force at home.

The second ground on which the committee condemn the action of the Secretary is that a large number of ships are dismantled and not ready for immediate service.

It is well known that, from the very nature of the service, only a portion of even the serviceable ships can be kept in commission. In the midst of a foreign war with a naval power some of the vessels of the navy will always be in ordinary. There is nothing in the testimony to show that the number in ordinary at the present time is unusually large. If, however, it is unusually large, both the testimony and the records of the House furnish a sufficient reason for it. It is stated in the following extract from the paper already alluded to, dated 24th January:

"2d. All the vessels above named, except the Pawnee and the Constitution, are dismantled. Vessels of war are nearly always dismantled immediately after their arrival in port at the termination of a cruise. It is also customary to commence repairing them as soon as possible after their return, if the appropriations and other work will permit. The appropriations were reduced a million of dollars below the estimate of the department; and of the whole sum appropriated ($1,523,000) for repairs, &c , for the fiscal year ending June 30, 1861, there remained on the 1st January, the close of the first half of the fiscal year, the sum of $646,639 79 for the remaining half."

The Secretary stated to the committee that he deemed it his duty to conform to the action of Congress; and that, in addition, having already expended more than half the appropriation in half the year, he did not think it just to his successor that he should continue expenditures until the 4th of March on the same scale, much less to increase them.

A large majority of the members of this House voted at the last session to reduce the appropriation, and of course those who thus voted will not unite with the committee in censuring the Secretary for the inevitable consequence of their own act.

Another equally satisfactory reason for not placing more ships in commission is found in the letter of 24th January, as follows: "The other vessels mentioned in the list have not been put in condition for immediate service within the last month, because the number of vessels in commission is governed by the numerical strength of the officers and seamen of the navy." And again, in a communication from the Navy Department, dated February 4, 1861:

"In reply to the second inquiry, there are enough captains, commanders, surgeons, chaplains. Of the other grades there are not, nor is there a sufficient number of seamen."

It will be remembered that the number of both officers and seamen to be employed is limited by law, and the Secretary of the Navy cannot exceed that limit.

The Secretary deserves no censure, but should receive the highest commendation for inflexibly obeying the law in the administration of his department. Every attempt at retrenchment and economy is defeated because heads of departments will not themselves conform to the law and compel their subordinates to do the same. The facility with which Congress supplies deficiencies created by disregarding the law has encouraged such practices, and it would be mournful, indeed, if, in the first well authenticated case in which a head of department has faithfully and sternly conformed his expenditures to so radical a

reduction of his estimates, the officer should receive a vote of censure instead of a vote of thanks.

The navy seems to have been adequate for all the demands made upon it by the wise and peace-preserving policy of the President. If the President who will go into office on the 4th of March desires to engage in civil war, he will have an ample naval force with which to begin, even so early as the 5th of March, and there will probably be abundant time for increasing it before the war closes.

II.—RESIGNATIONS OF OFFICERS.

A list of all the officers of the navy who have resigned between the 11th November and the 24th January was furnished to the committee, and the chief clerk of the Navy Department was fully examined as to the circumstances attending each resignation. The whole number was 56, including 11 from the Naval Academy.

It is known that in many if not most of these cases the officers in resigning have not only given up an honorable profession, for which alone they were fitted by education and habits, but have reduced themselves and families to penury. Some powerful motive must have actuated them. If it was selfish, let any one point out a possible advantage they could promise themselves personally. It could not be that they aimed to recommend themselves to the favor and patronage of the southern confederacy, for that government does not possess a ship, and cannot for a long time provide itself with a navy. When it has done so, it cannot be expected that the officers will be in any better situation with reference to their personal interests than they would have been if they had remained in the navy of the United States.

It is evident that in resigning they have been actuated by a high sense of duty to the States of which they were respectively citizens, and that in the time and manner of tendering their resignations they have consulted a nice sense of honor. In a few instances they have engaged in the military service of their States, but not until they had resigned their commissions in the navy of the United States. In no instance does it appear that one of them has betrayed the trust reposed in him by this government, or engaged in any hostile service, until he had discharged himself of all the responsibilities imposed by his commission. The testimony taken before the committee, partial and limited as it is on this point, is confidently appealed to for the correctness of this statement.

The undersigned would gladly pursue this subject, grateful as it is to him to vindicate against the very harsh aspersions cast upon them by the committee, the characters of the honorable body of men who have so long and so gallantly borne the flag of the republic; but it is foreign to the inquiries the committee were instructed to make, and will, for that reason, be dismissed, except in so far as it is the basis of the resolution reported. The censure of the Secretary seems to be based principally, if not entirely, on his acceptance of the resignations of Captain Randolph and the two lieutenants on duty at the Pensacola navy yard at the time of its surrender.

Captain Randolph's resignation was dated at Montgomery, Alabama, on the 10th of January, was received at the department on the 14th, and accepted on the 14th. The Pensacola navy yard was surrendered on the 12th, and Captain Armstrong immediately sent the following telegraphic despatch, which was received by the Secretary of the Navy on the 13th at 8 o'clock p. m. :

"To Hon. ISAAC TOUCEY,
"*Secretary of the Navy:*

"Commissioners appointed by the governor of Florida, with a regiment of armed men at the gate, demanded the surrender of this navy yard, having previously taken possession of the magazines. I surrendered the place and struck my flag at half-past one o'clock this day. The storeship Supply sailed for Vera Cruz the moment the yard flag was lowered.

"JAMES ARMSTRONG,
"*Capt. U. S. Navy, late Commandant of the Navy Yard.*"

The testimony shows that this was the only information received by the department previous to the 24th.

It is evident, from this statement of facts and dates, that at the time Captain Randolph's resignation was accepted, and for at least ten days thereafter, the department was totally ignorant of his participation in the Pensacola expedition. Even if we were at liberty to infer that the Secretary had seen his name connected with the expedition in the newspapers earlier than the 24th, we cannot suppose that it had been seen before the 14th, the day on which the resignation was accepted, for it would be impossible for even flying newspaper reports to reach this city from Pensacola in so short a time.

Lieutenant Farrand, who was first lieutenant and executive officer of the navy yard, resigned on the 13th of January, and his resignation was accepted on the 21st.

Lieutenant Renshaw resigned on the 16th, and it was accepted on the 22d.

The testimony discloses nothing in which the Secretary could have refused to accept these resignations if all the testimony taken before the committee had been in his possession at the time he acted ; but, by a comparison of dates, it will be seen that they were received, and in due course of business acted on, before he had any intelligence from Pensacola except the telegraphic despatch already set forth.

The undersigned would hold the Secretary who should accept the resignation of an officer who, before resigning, had been guilty of any conduct unbecoming an officer, amenable to the severest censure. An acceptance of a resignation is an honorable discharge from service, which should only be given to him who has acquitted himself with fidelity and honor ; but one who has thus acquitted himself is entitled to be discharged without question as to what he intends to do thereafter.

The base man would hold his commission and seek an opportunity to betray his government, so that the fruits of his treason might purchase for him favor and reward. Such was the conduct of Arnold.

The pure man who, compelled to select between two claims to his allegiance, chooses that which promises least personal advantage, scrupulously discharges all existing obligations, then voluntarily and openly renounces a cherished commission from a sense of duty to his native State, gives the highest proof of devotion to principle and obedience to the dictates of honor. Such men cannot be regarded as traitors, and to call them so is to arraign manly virtue in the name of patriotism.

It has been the proud boast of the American navy that it has never contained a traitor in its ranks. Will it be credited that it has suddenly become a hotbed from which has sprung such a bountiful crop of traitors? Such a supposition would discredit the whole body of its officers; for it could only consist with the existence of some poisonous and traitorous influence pervading all its ranks and corrupting all its members.

The chief clerk of the Navy Department testified that there has been nothing unusual in the course recently pursued in regard to resignations; and that the uniform course, from time immemorial, has been to act promptly on resignations, unless some special reason existed for taking a case out of the routine of current business. The orderly conduct of business necessitates prompt action on each case in its turn, and in an illy organized department, or in one in which the force is insufficient, affairs will soon fall into inextricable confusion. No consideration of convenience, nor the maintenance of any mere system of business, should be allowed to interfere with the substantial demands of justice and public interest. But in the absence of any reason for deviating from the usual course (and the undersigned says confidently that in the present case no such reason existed) the head of an executive department is not censurable for requiring all its business to be regularly and promptly despatched.

The undersigned can find in the testimony nothing to detract from the high reputation always borne by the present Secretary for integrity and patriotism, and therefore cannot concur with the committee in recommending the passage of a resolution of censure.

L. O'B. BRANCH.

NAVY DEPARTMENT, *January* 16, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing two resolutions of the House of Representatives passed the 9th instant, instructing the special committee to whom the President's message was referred to make certain inquiries, and requesting me to communicate to the committee any information I may have (not inconsistent with the public service) pertinent to any of the subjects of inquiry.

The inquiries embraced in the resolution submitted by Mr. Leake do not pertain to this department, as it has no control over arsenals or armories; and only two of those embraced in the other resolution are pertinent to it, viz:

"1st. Whether any executive officer of the United States has been or is now treating or holding communication with any person or persons concerning the surrender of any forts or fortresses, or public property of the United States, and whether any demand for such surrender has been made, and when and by whom, and what answer has been given."

"4th. Where the ships of the United States are now stationed, with what commands, and with what orders."

In reply to the first inquiry, I have to inform the committee that I am not aware that any executive officer of the United States, connected with the Navy Department, has been or is now treating or holding any communication whatever with any person or persons concerning the surrender of any forts or fortresses or public property of the United States.

The department, on the 14th instant, received a telegraphic despatch from Captain James Armstrong, United States navy, the commandant of the navy yard near Pensacola, Florida, in which he says: "Commissioners appointed by the governor of Florida, with a regiment of armed men at the gate, demanded the surrender of this navy yard, having previously taken possession of one of the magazines. I surrendered the place and struck my flag at half-past one o'clock p. m., this day," [January 12, 1861.]

In answer to the fourth inquiry, I herewith transmit a list of the vessels of the United States navy, their commanders, and where stationed. All of these vessels are under general orders for the protection of citizens of the United States and their property. Those on the coasts of Africa and Cuba are also under special instructions in relation to the suppression of the African slave trade. The Niagara is on special duty connected with the Japanese embassy. The Sabine and St. Louis have recently been ordered to Pensacola to protect the government property there; and the Macedonian sailed from Portsmouth, New Hampshire, on the 13th instant, for Pensacola, *via* Tortugas, with orders of similar purport.

I am, very respectfully, your obedient servant,

I. TOUCEY.

Hon. W. A. HOWARD,
Chairman Special Committee, &c., House of Representatives.

List of the vessels of the United States navy in commission on the 16th of January, 1861.

EAST INDIA SQUADRON.

Hartford, steam sloop	Captain Charles Lowndes	Cruising on the East India station.
John Adams, sloop	Comd'r J. M. Berrien	Do. do. do.
Dacotah, steam sloop	Comd'r Wm. Radford	Do. do. do.
Saginaw, steamer	Comd'r J. F. Schenck	Do. do. do.
Vandalia, sloop-of-war	Comd'r S. P. Lee	On the way to the station.

BRAZIL SQUADRON.

Congress, frigate	Captain L. M. Goldsborough	Cruising on the station.
Seminole, steam sloop	Comd'r E. R. Thomson	Do. do.
Pulaski, steamer	Lt. Comd'g W. H. Macomb	Do. do.

PACIFIC SQUADRON.

Lancaster, steam sloop	Captain John Rudd	At Panama January 3.
Saranac, steamer	Captain Robert Ritchie	Do. do.
Wyoming, steam sloop	Comd'r J. K. Mitchell	Do. do.
Narragansett, steam sloop	Comd'r T. A. Hunt	On the South American coast.
Cyane, sloop-of-war	Comd'r S. B. Bissell	At Panama January 3.
St. Mary's, sloop-of-war	Comd'r W. D. Porter	Do. do.
Levant, sloop-of-war	Comd'r Wm. E. Hunt	At Hilo September 3.

MEDITERRANEAN SQUADRON.

Richmond, steam sloop	Captain D. N. Ingraham	Cruising on the station.
Susquehanna, steam sloop	Captain George N. Hollins	Do. do.
Iroquois, steam sloop	Comd'r J. S. Palmer	Do. do.

AFRICAN SQUADRON.

Constellation, sloop-of-war	Captain J. S. Nicholas	Cruising on coast of Africa.
Portsmouth, sloop-of-war	Comd'r John Colhoun	Do. do.
San Jacinto, steam sloop	Captain T. A. Dornin	Do. do.
Mystic, steamer	Lt. Comd'g Wm. E. Le Roy	Do. do.
Sumpter, steamer	Lt. Comd'g J. F. Armstrong	Do. do.
Mohican, steam sloop	Comd'r S. W. Godon	Do. do.
Saratoga, sloop-of-war	Comd'r Alfred Taylor	Do. do.

HOME SQUADRON.

Cumberland, sloop-of-war	Captain John Marston	At Vera Cruz.
Powhatan, steam sloop	Captain Samuel Mercer	Do.
Pawnee, steam sloop	Comd'r S. C. Rowan	At Philadephia.
Brooklyn, steam sloop	Captain W. S. Walker	Hampton Roads.
Sabine, frigate	Captain H. A. Adams	Under orders to Pensacola.
Macedonian, sloop-of-war	Captain Jas. Glynn	On way to Pensacola.
St. Louis, sloop-of-war	Comd'r Charles H. Poor	Under orders to Pensacola.
Pocahontas, steam sloop	Comd'r S. F. Hazard	At Vera Cruz.
Mohawk, steamer	Lt. Comd'g T. A. M. Craven	Supposed to be on their station, the coast of Cuba.
Crusader, steamer	Lt. Comd'g J. N. Maffitt	
Wyandotte, steamer	Lt. Comd'g O. H. Berryman	

STORESHIPS.

Falmouth, sloop-of-war	Lt. Comd'g Charles Thomas	Stationed at Aspinwall.
Warren	Lt. Comd'g J. J. Boyle	Stationed at Panama.
Fredonia	Lt. Comd'g J. M. Watson	Stationed at Valparaiso.
Supply	Comd'r H. Walke	Sailed from Pensacola January 12, for Vera Cruz.
Release	Lt. Comd'g J. M. Frailey	Returning from Mediterranean.
Relief	Comd'r John De Camp	At New York.

SPECIAL SERVICE.

Niagara, screw frigate	Captain Wm. W. McKean	Special service to Japan.

RECEIVING SHIPS.

Ohio, ship-of-the-line	Comd'r Wm. Smith	Boston.
North Carolina, ship-of-the-line	Comd'r J. H. Ward	New York.
Princeton, steamer	Comd'r H. K. Hoff	Philadelphia.
Alleghany, steamer	Comd'r W. W. Hunter	Baltimore.
Pennsylvania, ship-of-the-line	Comd'r A. Sinclair	Norfolk.
Independence, razee		Mare Island, California.

NAVY DEPARTMENT, *January* 24, 1861.

SIR: I have the honor to communicate to the special committee of which you are chairman some further information in reply to the fourth inquiry of the resolution of the House of Representatives which you transmitted to me on the 12th instant.

On the 21st of May, 1860, orders were given to prepare the Richmond as the flag ship of the Mediterranean squadron, in place of the Macedonian which had been recently ordered home. On the 18th of July the Susquehanna was substituted for the Richmond, in consequence of some delay in completing her machinery. On the 21st of August she was ordered to proceed to Vera Cruz and remain there for a short time as part of the home squadron, it having been deemed necessary to increase our force in that quarter. On the 31st of August the Richmond was ordered to be prepared as the flag ship for the Mediterranean, and set sail from Norfolk on the 13th of October. The disturbances in Sicily and Syria having rendered it expedient that the Mediterranean squadron should consist of at least three ships-of-war, orders were given to the Susquehanna to join it, and on the 18th of October she set sail for Vera Cruz accordingly.

On the 1st of September, the Cumberland, then at Portsmouth, N. H., was ordered to be prepared as the flag ship for the home squadron. On the 28th of September orders were given to prepare the Vandalia for the East India squadron, in place of the John Adams, soon to return home; the Saratoga for the African squadron, in place of the Marion, to comply with treaty provisions, and the Germantown for the home squadron. The Macedonian, on the 15th of November, was ordered in place of the Germantown, as she required to be docked, and the dock was occupied by the Pensacola. The Macedonian and the Cumberland were to take the places of the Preble and Savannah, which have returned home, and the Sabine, which was soon to return.

On the 24th of December, 1860, the St. Louis was ordered from Vera Cruz to Pensacola. On January 9, 1861, the Sabine was ordered from Vera Cruz to Pensacola. On the 5th of January the Macedonian, at Portsmouth, N. H., was ordered by telegraph to Pensacola. On the 8th, she was instructed by telegraph to touch at Tortugas on the way, as Fort Jefferson there needed attention. On the 5th January orders were telegraphed to the Crusader, at Pensacola, to proceed immediately to Tortugas, and on the arrival of troops to return to Pensacola. These orders were intercepted at Mobile. It being reported that the Crusader was seen approaching New Orleans, she was instructed by telegraph to proceed immediately to Pensacola, where she would meet her orders, having left there on the 2d of January. She is supposed to have returned to her station on the coast of Cuba, as she came to Pensacola for repairs.

On the 3d of January the Brooklyn, at Norfolk, was ordered to take in her supply of ordnance and ordnance stores, and drop down to Hampton Roads. On the 7th, she was ordered to the bar off Charleston, with orders to the reinforcements on board of the "Star of the West" to return, if they had not gone into Fort Sumter, and to render her any aid she might require and return to Hampton Roads. She was instructed that it was not deemed expedient that she should attempt to cross the bar. She has since returned to Hampton Roads.

On the 3d of January, Commodore James Armstrong, then in command of the Pensacola navy yard, was ordered to be vigilant to protect the public property, and to co-operate with the troops in Fort Barrancas. These orders he received, and subsequently, on the 12th, surrendered the navy yard to commissioners of Florida, who demanded it at the gate with a regiment of armed men.

To the several additional inquiries addressed to me on the 21st I will answer:

1st. That there is no naval force within the limits of the United States in a condition "to be put under immediate orders for service in the protection of the coasts," &c., except the steamer Brooklyn, 25 guns; the steamer Wyandotte, 5 guns; and the storeship Supply, 4 guns, reported to be off Pensacola; the frigate Sabine, 50 guns, and St. Louis, 20 guns, the latter probably at Pensacola, and the former on the way there; and the storeship Relief, 2 guns, at New York, under orders to the coast of Africa with stores for the squadron there.

The following is a statement of the vessels of the navy in ports of the United States, their condition, the time in which they can be prepared for service, &c.

At Portsmouth, N. H.

Santee, frigate, 50 guns—ready; can be fitted for sea in 4 weeks.
Dale, sloop, 16 guns; requires repairs, which will take 3 months.
Marion, sloop, 16 guns; requires repairs, which will take 3 months.

At Boston.

Colorado, steam frigate, 40 guns—ready; can be fitted for sea in 2 weeks.

Minnesota, steam frigate, 40 guns—ready; can be fitted for sea in 2 weeks.

Mississippi, steamer, 11 guns—under repairs; can be fitted for sea in six weeks.

Vermont, ship-of-the-line, 84 guns—requires repairs; can be fitted for sea in 4 months.

Vincennes, sloop, 20 guns; requires repairs, which will take 6 weeks.

Preble, sloop, 16 guns; requires repairs, which will take 4 weeks.

Bainbridge, brig, 6 guns; requires repairs, which will take 3 weeks.

At New York.

Wabash, steam frigate, 40 guns—ready; can be fitted for sea in 2½ weeks.

Roanoke, steam frigate, 40 guns—under repairs; can be fitted for sea in 6 weeks.

Potomac, frigate, 50 guns; requires repairs, which will take 4 months.

Brandywine, frigate, 50 guns; requires repairs, which will take 5 months.

Savannah, sloop, 24 guns; requires repairs, which will take 6 weeks.

Perry, brig, 6 guns—under repairs; can be fitted for sea in 3 weeks.

At Philadelphia.

Pawnee, steam sloop, 6 guns—under repairs; can be ready for sea in 3 weeks.

Water Witch, steamer, 3 guns—under repairs; can be ready for sea in 2 weeks.

St. Lawrence, frigate, 50 guns—ready; can be fitted for sea in 3 weeks.

Jamestown, sloop, 22 guns—under repairs; can be fitted for sea in 4 weeks.

At Washington.

Pensacola, steam sloop, not completed; will be in 6 months.

At Norfolk.

Merrimack, steam frigate, 40 guns; can be fitted for temporary service in 4 weeks.

Plymouth, sloop, 22 guns; under repairs, which will take 4 weeks.

Germantown, sloop, 22 guns; under repairs, which will take 2 weeks.

Raritan, frigate, 50 guns; requiring repairs, which will take 4 months.

Columbia, frigate, 50 guns; requiring repairs, which will take 6 months.

United States, frigate, 50 guns; not worth repairing.

At Annapolis.

Constitution, frigate, 50 guns; can be prepared for sea in 3 weeks.

2d. All the vessels above named, except the Pawnee and Constitution, are dismantled. Vessels-of-war are nearly always dismantled immediately after their arrival in port, at the termination of a cruise. It is also customary to commence repairing them as soon as possible after their return, if the appropriations and other work will permit. The appropriations are reduced a million of dollars below the estimate of the department, and of the whole sum appropriated ($1,523,000) for repairs, &c., for the fiscal year ending June 30, 1861, there remained, on the 1st of January, the close of the first half of the fiscal year, the sum of $646,639 79 for the remaining half. Some of the sloops named above—the Dale, Marion, Preble, and Vincennes, and also the frigate United States—were so old and decayed that repairs on them have not been commenced, as it was under consideration whether it would not be more expedient to replace them with steamers. Of the ships-of-the-line the Vermont is the only one that can be fitted for sea as such. The department has recommended that the others be converted into steam vessels. The frigates Potomac, Brandywine, Raritan, and Columbia have not been repaired, as it has been proposed to convert them into sloops-of-war, as four others of that class have been, but the appropriations are not sufficient for that purpose. The other vessels mentioned in the list have not been put in condition for immediate service within the last month, because the number of vessels in commission is governed by the numerical strength of the officers and seamen of the navy. They are ordered to be fitted for sea only when required to relieve others returning home.

3d. There are several vessels abroad which may be safely ordered home for the protection of the interests of the United States, viz: the steam sloop Iroquois, in the Mediterranean; the steam sloop Seminole, on the coast of Brazil; the steamer Pocahontas, at Vera Cruz; the steam sloops Narragansett and Wyoming, in the Pacific; and the steamers Mohawk and Crusader, on the coast of Cuba. The two last named have already been ordered to New York. The steamers are selected from the vessels composing the several squadrons, because they are of light draught, and would be more serviceable on the coast and in the harbors. There are two steamers, the Mystic and Sumpter, and a steam sloop, the Mohican, all of light draught, and now on the coast of Africa, but they are effective in suppressing the slave trade, and their withdrawal would reduce the force on that station below the number of guns required by our treaty with Great Britain.

4th. The John Adams has not been ordered home, although the Vandalia has been sent out as her relief. The voyage to the East Indies is from four to five months, and orders will therefore be sent over land for the return of the John Adams in time to reach her by the arrival of the Vandalia. She is to be recalled, because she will have been absent from the United States two years on the 1st of June next. The department has endeavored, where it would not conflict

with the interests of the service, to limit the cruise of vessels-of-war to two years.

5th. The sloop-of-war Marion is at Portsmouth, N. H., and has been particularly mentioned in a previous part of this communication.

6th. After the department learned of the interception, at Mobile, of its telegraphic despatch to the Crusader at Pensacola, a written communication reiterating the orders was sent by a special messenger. Nothing further was done, the department having no control over the telegraph.

7th. A telegraph despatch, of which the following is a copy, is the only official information in the possession of the department concerning the surrender of the navy yard at Pensacola, viz:

"Dated, Pensacola, January 12, 1861; received, Washington, January 13, 1861, 8 o'clock p. m.

"Commissioners appointed by the governor of Florida, with a regiment of armed men at the gate, demanded the surrender of this navy yard, having previously taken possession of the magazines. I surrendered the place, and struck my flag at half-past one o'clock p. m. this day. The storeship Supply sailed for Vera Cruz the moment the yard flag was lowered.

"JAMES ARMSTRONG,
"*Captain United States Navy, Warrington, Fla.,*
"*Late Commandant Navy Yard.*

"Hon. ISAAC TOUCEY,
"*Secretary of the Navy.*"

The following officers of the navy were attached to the yard at the date of its surrender:

Captain James Armstrong, commandant of the yard.
Commander E. Farrand.
Lieutenant F. B. Renshaw.
Lieutenant John Kell.
Paymaster L. Warrington.
Passed Assistant Surgeon William S. Bishop.
Chaplain Charles W. Thomas.
Master John Pearson.
Chief Engineer E. Lawton.
Third Assistant Engineer William Musgrave.
Boatswain Robert Dixon.
Carpenter Lewis Holmes.
Sailmaker Robert Hunter.
Gunner James M. Cooper.

The department has no official information of any of them having been held as prisoners of war. It did not consider them as such, and on the 17th of January they were instructed to regard themselves as detached from the yard from the date of its surrender, and as waiting orders. None of them have been ordered *home*, as it is not the practice to do so when officers are detached from duty in the United States.

The department has neither approved nor disapproved of the con-

duct of the officers, not proposing to do so without full informat touching their conduct in the surrender of the yard.

8th. The department has not immediately at command suitable and sufficient means for putting into Fort Sumter reinforcements. In the course of three weeks a fleet of four or five steamers of light draught could be made ready, some of which there is reason to believe would be able to reach Fort Sumter, while the others would probably be sacrificed.

I am, sir, very respectfully, your obedient servant,

I. TOUCEY.

Hon. W. A. HOWARD,
Chairman Special Committee, &c., House of Representatives.

List of resignations—Navy Department.

Name.	Rank.	State of which a citizen.	Date of resignation.
V. M. Randolph	Captain	Alabama	January 10, 1861
E. Farrand	Commander	do	January 13, 1861
T. W. Brent	do	Florida	January 12, 1861
H. J. Hartstene	do	South Carolina	January 5, 1861
T. B. Huger	Lieutenant	do	November 12, 1860
A. Armstrong	do	Georgia	November 20, 1860
Geo. E. Law	do	Indiana	November 26, 1860
J. R. Hamilton	do	South Carolina	December 1, 1860
W. G. Dozier	do	do	December 21, 1860
Robert Selden	do	Virginia	do
A. F. Warley	do	South Carolina	December 24, 1860, date of acceptance.
J. M. Stribbling	do	do	December 31, 1860
T. P. Pelot	do	do	January 7, 1861
J. R. Eggleston	do	Mississippi	January 13, 1861
J. H. North	do	South Carolina	January 14, 1861
R. T. Chapman	do	Alabama	do
F. B. Renshaw	do	Florida	January 16, 1861
John Kell	do	Georgia	January 18, 1861
John Pearson	Master	Florida	January 15, 1861
T. B. Mills	do	Alabama	January 16, 1861
John Grimball	Midshipman	South Carolina	December 20, 1860
S. B. Paddock	do	Ohio	November 11, 1860
W. A. W. Spotswood	Surgeon	Florida	January 12, 1861
A. M. Lynah	Passed ass't surgeon	South Carolina	January 9, 1861
Chas. E. Lining	Assistant surgeon	do	January 11, 1861
Tho. J. Charlton	do	Georgia	December 14, 1860
Wm. W. J. Kelly	Paymaster	Florida	January 8, 1861
B. D. Heriot	Navy agent	South Carolina	December 31, 1860
S. Z. Gonzales	Naval storekeeper	Florida	January 12, 1861
S. T. Abert	Civil engineer	Dist. of Columbia	do
Benjamin F. Day	Acting midshipman	Ohio	November 22, 1860
W. S. Moon	do	do	November 30, 1860
F. M. Thomas	do	South Carolina	do
R. C. Fonte	do	Tennessee	December 3, 1860
R. H. Bacot	do	South Carolina	December 10, 1860
J. T. Walker	do	do	December 17, 1860
W. W. Wilkinson	do	do	December 22, 1860

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LIST OF RESIGNATIONS—Continued.

Names.	Rank.	State of which a citizen.	Date of resignation.
S. S. Gregory	Acting midshipman	North Carolina	December 28, 1860
O. H Howard	do	Massachusetts	January 9, 1861
Robert Flournoy	do	Georgia	January 12, 1861
S. G. Stone	do	Alabama	January 14, 1861
J. G. Baldwin	do	Mississippi	do
W. E. Yancey	do	Alabama	January 11, 1861
W. F. Robinson	do	do	January 14, 1861
F. M. Roby	do	Mississippi	do
N. J. Smith	do	Alabama	do
J. K. Price	do	do	do
J. A. Merriwether	do	Georgia	do
H. L. Hill	do	do	January 17, 1861
J. C. Holcombe	do	do	do
R. Payne	do	Missouri	January 19, 1861
Barron Carter	do	Georgia	January 21, 1861
T. M. Berrien	do	do	do
R. J. Moses, jr	do	do	January 22, 1861
H. G. McClintock	do	Alabama	do
W. E. Pinkney	do	Florida	January 24, 1861

NAVY DEPARTMENT, *February* 4, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, requesting answers to the following inquiries, viz:

1st. Are there any officers and seamen unemployed at the present time; if so, how many?

2d. Are there enough of each to man all the unemployed vessels, should occasion require?

3d. Does, in your opinion, the disturbed condition of the country make it expedient for Congress to place at the disposal of the department additional money for repairs or other purposes; and how much?

In reply to the first inquiry, I have to state that the officers unemployed are:

Captains	active list	40
Captains	reserved list	15
Commanders	active list	46
Commanders	reserved list	13
Lieutenants	active list	59
Lieutenants	reserved list	24
Masters	active list	1
Masters	reserved list	4
Passed midshipmen	active list	11
Passed midshipmen	reserved list	2
Surgeons	active list	23
Passed and other assistant surgeons	do	18

Paymasters	active list	17
Chaplains	do	8
Professors of mathematics		none.
Midshipmen	active list	4
Boatswains	do	12
Gunners	do	9
Carpenters	do	7
Sailmakers	do	13
Chief engineers	do	4
First assistant engineers	do	8
Second assistant engineers	do	5
Third assistant engineers	do	9
Total		352

There are one hundred and sixty-one recruits on board the receiving ships, available for immediate service.

In reply to the second inquiry: there are enough captains, commanders, surgeons, chaplains; of the other grades there are not, nor is there a sufficient number of seamen.

In reply to the third inquiry, I will say that the estimates of the department for repairs, &c., required during the current fiscal year exceeded the appropriation actually made by a million of dollars. Nearly half of the fiscal year still remains. The ordinary necessities of the service required the appropriation which I recommended, and it could have been expended with great advantage to the government. The present disturbed condition of the country does not certainly dimish the expediency or necessity of such appropriation. A further appropriation of a half million dollars would only put the department in this respect in the usual state of efficiency. At the same time it is proper that that I should say to the committee that I think the present home squadron, consisting of eleven armed vessels, is adequate to any service that will be required of it.

I have the honor to be your obedient servant,

I. TOUCEY.

Hon. WM. A. HOWARD,
Chairman Special Committee, &c., House of Representatives.

No. 1.

THURSDAY, *January* 24, 1861.

ELDRIDGE LAWTON sworn and examined.

By the CHAIRMAN:

Question. Are you connected with the United States navy in any capacity?

Answer. Yes, sir.

Question. In what capacity?

Answer. Chief engineer, sir.

Question. What is the general class of duties pertaining to engineer? Do you go on board steam vessels as engineer, or are you connected with navy yards?

Answer. Most yards have an engineer attached to them—a chief engineer to superintend the constructing of machinery—such machinery as may be built at those yards; and they are more frequently ordered on board steamships to superintend the machinery of the vessel.

Question. Have you been recently connected with the navy yard at Pensacola?

Answer. I was ordered to report myself to Commodore Armstrong as superintendent of the machinery of the United States steamer Fulton, repairing at that yard.

Question. At what time were you ordered there?

Answer. I arrived there the middle of November last.

Question. And remained there until you recently left?

Answer. I remained there until the 13th of the present month.

Question. State whether, during the time you were there, any demand was made upon the officer in charge of the yard to surrender the yard?

Answer. None that I know of. I know of no such demand being made; that is, until the demand made the day it was given up.

Question. Was there a demand made on any day?

Answer. Previous to that, do you mean?

Question. No; any time while you were there. State whether, within your knowledge, at any time during the whole period you were there at the yard, any demand was made by any person or persons for the surrender of the yard.

Answer. From my own knowledge, as being witness to it myself, or from hearsay? I was standing outside of the commodore's office at the time the officers of the Alabama troops were holding their interview with the commodore, and of course I did not hear what was taking place inside.

Question. Confining yourself to your own actual knowledge, your answer would be in the negative, would it?

Answer. I do not know what demand was made; I do not know of any demand being made, so far as my own knowledge is concerned, although I know what I understood at the time from what I thought was good authority.

Question. Was it generally understood in and about the yard that such a demand had been made?

Answer. Yes, sir; generally understood, and not doubted by anybody, I believe.

Question. By whom was the demand understood to have been made?

Answer. It was understood to have been made by Captain Randolph, commissioner on the part of the State of Alabama, formerly of the navy——

Question. Is his name Victor M. Randolph?

Answer. Yes, sir——and by Colonel Campbell, on the part of the governor of the State of Florida. Those two gentlemen were received at the gate and conducted to the commodore's office, as the agents of the governors of Florida and Alabama.

Question. That is according to rumor?

Answer. I saw them myself; I saw them received at the gate and conducted to the commodore's office. I saw them when they returned, and had an interview with the colonel commanding the troops outside when the gates were opened and the troops marched in.

Question. The Florida and Alabama troops?

Answer. Yes, sir. I should not say the troops marched in. Colonel Lomax, commanding, with his aids, marched in. The troops did not march in. Those officers came in and had an interview with Commodore Armstrong, and a few minutes after they went back to the gates and marched in with the troops and took possession. After Colonel Lomax, and his aids who accompanied him, went into Commodore Armstrong's office—about two or three minutes after they went in, I should judge—Lieutenant Renshaw, the first lieutenant of the yard, came out of the building, and called out to the watchman: "Haul the flag down!"

Question. Who is this Colonel Lomax you speak of?

Answer. I have his name here, signing a pass for me to go out of the yard. He signs his name "T. Lomax, colonel commanding."

Question. Commanding these invaders?

Answer. He commanded the Alabama troops. I believe he is a gentleman living in Montgomery, Alabama. He was in the Mexican war, I understood. The pass is from V. M. Randolph, and it is approved by T. Lomax, colonel commanding.

Question. That was a pass for you to leave the yard?

Answer. For me to leave the yard with my effects, it says.

Question. How recently has Captain Randolph been connected with the United States navy?

Answer. Well, I do not know. I think he resigned some month or two ago. Quite recently, though, he was connected with the navy.

Question. Was he formerly stationed at that yard?

Answer. Yes, sir; he was the executive officer of the yard; a commander attached to the yard acting as executive officer, not commanding. That is, he occupied the same position as Commander Farrand occupied at the time of the surrender of the yard.

Question. Who conducted those two gentlemen you have spoken of from the gate to the commodore's office?

Answer. Commander Farrand.

Question. You were not present at the interview?

Answer. I was standing with Captain Farrand, in conversation with him, just previous to these gentlemen coming in, when a watchman, I think, or some person, a messenger, came to him and said "they are here," or some such remark. He said "I have got to go, then," and started off. And I stepped to the corner of the avenue leading to the gate, but a short way off, out of curiosity to see who they were. He met them inside the gate. It seemed that they had been admitted through the small gate—there was a large gate there, also—and were standing inside of the gate. Captain Farrand met them and shook hands with them, and they turned around and marched to the commodore's office.

Question. And you say they stayed in there about two minutes?

Answer. Oh! no, sir; they stayed longer than that; they stayed, I should think, 20 minutes.

Question. These were Captain Randolph, and who else?

Answer. Colonel Campbell. They might have been in there 20 minutes or half an hour. They returned to the gate with Captain Farrand, and held an interview with Colonel Lomax, who was outside the gate on horseback. Then the gates were opened, and Colonel Lomax and two or three of his officers rode in, and went to the commodore's office; and after they had been in there two or three minutes, Lieutenant Renshaw came out and called out to the watchman to haul the flag down.

Question. And it was hauled down?

Answer. Yes, sir. I know it was hauled down, because a few minutes afterwards, when I was down on the wharf, I saw that it was down. A gentleman came to me and asked me if the yard was given up, and I told him that judging from the looks of the flag-staff I should think it was. I remember that circumstance.

Question. What was the number of men employed in the yard previous to the surrender?

Answer. Rising of a hundred, I presume. There were some 30 or more negroes employed in the yard, and a hundred white men, I should think.

Question. Please state them by classes; that is, whether they were marines, and the number of officers, &c.

Answer. Your question was with reference to laborers and mechanics?

Question. You said there were about a hundred men in the yard?

Answer. You asked "the number of men employed."

Question. Well, how many men were there in and about the yard in the employ of the government, including officers, marines, engineers, laborers, mechanics, and all other persons, every class of them?

Answer. I could give you the number of officers, and the number of marines, and the number of men in ordinary.

Question. First give us, if you can from recollection, the number of officers, and their names, in their order and rank.

Answer. I can give you the names of the officers. Commodore Armstrong, Commander Farrand, Paymaster Warrington, First Lieutenant Renshaw, Second Lieutenant Kell, myself, Dr. Bishop, passed

assistant surgeon; master, John Pierson; chaplain, Thomas; Mr. Musgrave, engineer; naval constructor, Porter; naval storekeeper, Gonzales; commodore's secretary, Shippey; sailmaker, Hunter; boatswain, carpenter, and gunner—Cooper was the name of the gunner; I do not recollect the other names.

Question. Does that include all the officers?

Answer. Yes, sir, I think so.

Question. Will you state how many marines, if any, were there?

Answer. The marine barracks were situated on the outside of the wall of the yard. They were commanded by Captain Watson. He had about 40 men; but 31 effective men, as he told me, that he could rely upon. Thirty of the men the commodore had sent over to Fort Pickens a few days before. There were 50 men in ordinary, and 30 were sent over there. The others were almost all sick, or cripples, of no account.

Question. You say that the captain of the marines had 31 effective men on the day of the surrender of the yard?

Answer. Yes, sir. The day previous he told me that he had about 40 men, and 31 men that he could rely upon to shoulder a musket.

Question. And none of these were sent away until after the surrender?

Answer. No, sir.

Question. At least they were all there at the time of the surrender?

Answer. They were all there.

By Mr. BRANCH:

Question. How many did you say were sent to Fort Pickens?

Answer. That is, the ordinary, the ship men there—those who help to rig the ships—the sailor men.

Question. Different from these marines?

Answer. Yes, sir; there were some fifty of these sailor men, and thirty of the sailors were sent over to Fort Pickens, leaving about twenty there, some old, not worth much, and some sick.

By Mr. COCHRANE:

Question. Leaving twenty of them, besides the marines?

Answer. Yes, sir; the marines were outside of the yard. The marines were occupied in post duty, stationed at different parts of the yard, day and night.

By the CHAIRMAN:

Question. How many laborers were there on the day of the surrender—laborers, and mechanics, and men in ordinary?

Answer. The men in ordinary I have just given.

Question. Do I understand that they had all been sent to Fort Pickens?

Answer. Only thirty of them.

Question. How many were left?

Answer. About twenty. This information I got from hearing that there were fifty men in ordinary, and thirty were sent to Fort Pickens. I do not know that there were fifty men. Only a few days before I

heard the commander say that he had asked the paymaster how many men he had in ordinary. The commander said he had more than the law allowed. The paymaster said he had not. The commander said "you have fifty men." The paymaster replied "I have no more than the law allows."

Question. And thirty were sent away?

Answer. Yes, sir.

Question. How far is Fort Pickens from the yard?

Answer. A little more than a mile.

Question. Now about the laborers and mechanics?

Answer. Putting them all together, I should think there were about 125.

Question. There at the time of the surrender?

Answer. Yes, sir.

Question. That is, exclusive of the several classes you have previously named?

Answer. Yes, sir; and twenty-five or thirty of them were negroes.

Question. Can you give us some general idea about the arms they had there that were effective for defence—cannon, muskets, &c.?

Answer. Most of the guns there had been removed a short time before and put in the Pensacola, a steamer built there, and had sailed around to Norfolk. All the guns were put in that ship for ballast, and leaving only a few old pieces lying around there on the wharf, of no account.

Question. You speak now of heavy guns?

Answer. Yes, sir; there were four guns—32-pounders, very fine guns—sent there for the Fulton. They lay there, dismounted, on the wharf, with no carriages. I will not say there were no carriages; there may have been carriages in the ship-house. But the guns were not mounted—were lying on the wharf where they were landed. These were heavy guns. Whether they had any artillery there or not, I do not know; I never saw any.

Question. At no time during the time you were there?

Answer. No, sir; except two guns brought ashore and taken away again. They were brought ashore from the steamer Crusader, that came there and was docked. Her guns, field-pieces, were dismounted and sent on shore. The steamer left there about a week before this happened, and her guns were put on board again, and she took them away.

Question. They were only landed there temporarily?

Answer. Yes, sir; while the ship was in dock.

Question. What about small arms?

Answer. There were 24-pounders, small brass pieces, that the Crusader took away.

Question. What about other arms for defence?

Answer. I know nothing about arms there, but what I saw in the armory; I was in the armory a week or two before this took place. There appeared to be some fifty or sixty muskets standing in the racks, and some pistols and some cutlasses.

Question. But there were no cannon that could have been used on the day of the surrender?

Answer. I saw none; no field-pieces at all—no artillery pieces. There may have been some in some of the storehouses, but I did not know of any.

Question. There were no guns mounted, in position, ready for use?

Answer. No, sir.

[Mr. BRANCH said the examination had proceeded far enough to indicate its object, and he would, at this point, raise the objection that it did not come within the scope of the matters referred to this committee.

After discusion, the objection was overruled.]

Question. Will you state, as near as you can, the amount of force outside under command of these persons who you suppose made the demand for the surrender of the yard?

Answer. I think about 350 men under arms.

Question. Of what did their arms consist?

Answer. Small arms, muskets, &c.

Question. Did they have any artillery?

Answer. None at all.

Question. Were there any companies of cavalry?

Answer. No, sir; there were, I suppose, some fifteen that got together in a hurry at Pensacola, and came down mounted. They did not amount to much.

Question. About fifteen mounted men?

Answer. Yes, sir; they were citizens of Pensacola; those that had muskets and owned a horse, who jumped on and took their guns, and came down there to see the fun, I suppose.

Question. The force was substantially an infantry force—a militia?

Answer. Yes, sir. Whether they brought any artillery with them or not to Pensacola, I know they had none there. They might have had some at Pensacola, though I understood they had none; and I had good reason to suppose they had none, because they came down the Florida and Alabama road, which is not completed through. I have travelled over the road since then, and there is a gap of thirty miles of the worst kind of road, and they could have got no guns across that road. I reckon it is a fixed fact that they had no guns—no artillery—with them; that they brought none with them.

Question. Were they apparently well-disciplined troops?

Answer. The Alabama troops were well disciplined. The Pensacola troops were not well disciplined, not well equipped, although each of them had a musket, and was sufficiently well equipped for a brush that day, but they would not be considered well equipped for service. There were some fifty or sixty of the Pensacola troops. I know nothing about their ammunition; only saw their arms. Most of them had revolvers in their belts.

Question. Were there any guns fired on either side?

Answer. No, sir; not any.

Question. Did you hear any conversation within two or three days previous to the surrender on the part of the officers of the yard touching the surrender, or upon the subject of surrendering the yard?

Answer. None, perhaps, the language of which I could repeat

precisely. There was, of course, some excitement there, and every officer who would meet another would commence talking upon this subject. Some would say, "The troops are coming." Some would say, "No; there are no troops coming." The naval storekeeper, Gonzales, I presume, knew all about it. He was strongly in favor of the movement.

Question. What movement?

Answer. Of the troops, the outside party. He was a secessionist—a very violent one—and talked secession for six weeks previous to the surrender of the yard. He was naval storekeeper—had charge of all the naval stores. He knew all about the troops, all their movements. I say he knew it.

Question. You infer he did, rather than have any knowledge upon the subject yourself?

Answer. From my conversation with him I had every reason to suppose he knew all about it. There is a large family of them there, and they were all in favor of the thing, and knew all about it. There is no doubt about that. No one would deny that who lives anywhere in the neighborhood there.

Question. Did you hear Commander Farrand say anything about it?

Answer. No, sir; no more than that he did not know what would be done.

Question. You did not hear him express any wish or determination to surrender?

Answer. No, sir; neither did I hear him express any wish or determination to defend. On the contrary, there was no disposition on his part to defend it.

Question. There was not?

Answer. None, sir; and he was the chief counsellor of the commodore.

Question. What leads you to suppose that he had no wish to defend it, when you did not hear him say so?

Answer. Because he expressed none. I conversed with him every day, and I could not get from him any expression of opinion about his desire to defend. I heard him say that there was no use to defend the yard; that they had nobody to defend it with. He was very intimate with Mr. Gonzales, whom I knew to be a violent secessionist.

By Mr. COCHRANE:

Question. Was that the commander who said it could not be defended?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you hear any officer express any opinion that it could be defended?

Answer. No, sir; I only heard Captain Watson, of the marines, say he could whip any two companies they could bring against him with his men. That was the only warlike speech I heard.

Question. What has become of Captain Watson?

Answer. He is now in New York.

By Mr. BRANCH:

Question. I do not understand you to say that you heard Commander Farrand express any indisposition to defend the place, but only a belief that they were unable to defend it?

Answer. I thought there certainly was a great inactivity on his part.

Question. I would like to get at the exact facts of the case as to whether you heard him express an unwillingness to defend the place if he had had the means?

Answer. No, sir; he did not express himself in those terms.

Question. He only said they were unable to defend it?

Answer. He said, "What can we do here? We can do nothing." Always throwing cold water upon the expression by anybody of the opinion that we could defend it.

Question. Did you yourself ever entertain the belief that you could defend it?

Answer. I believed that we could defend it against the force that was there that morning; but we knew that a larger force was coming.

Question. You entertained the same opinion that Captain Farrand did?

Answer. I entertained the opinion that there was no preparation made; I do not know how far we could defend it. The Wyandotte was there, and had guns on board, and some 70 or 80 men; the Supply had some 30 men on board and some seven or eight officers. The wall about the yard is some half a mile in extent, and some 12 or 15 feet high, and you would not think that it could easily be knocked down; two sides of the yard were open to the water; there were three wooden gates to be defended; but I have no idea that the party who arrived there that morning would have attacked the yard, but they would have waited for re-enforcements, which were upon the road; but the thing, as I understood, was settled before those troops left the town of Pensacola; the leaders of the troops had been given to understand that the yard would be given up to them on their arrival there.

[Mr. BRANCH objected to the last part of the answer.]

Question. Have you any personal knowledge of that?

Answer. I have it from Mr. Gonzales, the naval storekeeper.

Question. Was Mr. Gonzales's authority in the yard such as to give him the power to surrender it? Had he any authority to surrender the yard?

Answer. None at all; no one but Commodore Armstrong could do that.

Question. Had Mr. Gonzales any voice or vote in any way in the matter?

Answer. No, sir; no one but Commodore Armstrong.

Question. Now, please confine yourself to anything you heard Commodore Armstrong say in regard to its being understood that the yard would be given up upon the arrival of the troops—anything he said before the troops left Pensacola.

Answer. Commodore Armstrong, in a conversation I had with him the day before, seemed to be very much affected; he had received an order on the Wednesday before, as it was understood, to be vigilant in the protection of the public property under his charge, and directing him to confer with the army officer in command of the fort. He said, "to think that I should be put in this position with no force to defend this place; here I am ordered to be vigilant in the protection of it, and have no force to do it." He seemed to be complaining of being placed in such a position; he talked some time about it. I know very well, from the many conversations I had with him, that he was very anxious to have been in a condition to have defended the place, and I had no idea that he would have given it up if he could have kept it; but he had no assistance there; the mechanics and laborers were all on the other side.

By the CHAIRMAN:

Question. All secessionists?

Answer. All secessionists; that is, the majority of secessionists was so large that the others had nothing to say. I know there were a few there who would have liked to have defended the yard, but they would not dare to say so.

Question. A few of the mechanics?

Answer. Yes, sir.

Question. You were about saying something a few minutes ago aboutits being understood at Pensacola, before the troops were marched down to the yard, that it would be surrendered to them. And you were about telling what Mr. Gonzales said. And then you stopped to answer an inquiry as to his having any power to surrender the yard. Will you state what he did say?

[Mr. BRANCH objected to that, inasmuch, as it appeared, that Mr. Gonzales had no power to surrender the yard. Objection overruled by the chairman.]

Answer. Mr. Gonzales resigned the morning the yard was given up. He told me that evening in his own house.

Question. The evening after the surrender?

Answer. Yes, sir. I took supper with him there. He told me that he did not like the way the thing had been managed. He said it was all arranged in town that Commodore Armstrong should remain, and allow the work to go on as usual in the yard; the bell would ring, and the workmen would come in, and everything go on in the yard as usual. They would simply take formal possession of the yard, let everything go on as usual, and march down to Fort Barrancas and quarter their troops there; let the government soldiers stand sentry as usual in the yard, and they would not take military possession of it.

Question. Did he say this was the understanding at Pensacola?

Answer. This was the understanding between him and I do not know who else on the government side, if anybody. But he, Colonel Lomax, Major Chase, Captain Randolph, and all those men. He knew everything that was going on, there is no doubt about that. He was in a position to know everything that was going on.

Question. The point is, he simply stated that there was such an understanding.

Answer. Yes, sir; but no such understanding with Commodore Armstrong.

Question. He did not say there was?

Answer. No, sir. No one who knows Commodore Armstrong would suspect anything of the kind. Commodore Armstrong expressed himself frequently enough as being against secession, as being very much opposed to their movements.

By Mr. DAWES:

Question. What where they to do if the things were to go on as before?

Answer. The idea was this: to let the mechanics go on with their work. They had not been paid for two months, and it was thought that if they were allowed to go on with their work, they would receive their pay from the government; they would receive their provisions from the navy yard. But now they were all thrown out of employment.

Question. Would everything remain in the possession of the United States?

Answer. I do not know what they would do, perhaps negotiate with the United States government. But they would fix things so that they could have possession whenever they had a mind to take possession. The idea was simply to take possession, but not march the troops inside. Mr. Gonzales said the troops were not to come in at all. "But," said he, "they changed the whole thing down at the gates." It of course left the impression on my mind that they had been given to understand that there would be no resistance made at the yard. And Mr. Gonzales discovering that the yard would not be defended, from his intimacy with Commander Farrand Mr. Gonzales would understand everything that was going to be done.

By the CHAIRMAN:

Question. What afterwards became of those officers who were in command of the yard prior to the surrender?

Answer. What became of them?

Question. We know that you are here; we understand that Commodore Armstrong and Surgeon Bishop are here; where is Mr. Farrand?

Answer. Commander Farrand remains there and lives in his house as usual. The officers there occupied houses in the yard, thirteen in a row.

Question. Does he have any control in the yard?

Answer. I do not know, except from hearsay.

Question. Has Commander Farrand resigned, or do you know?

Answer. I do not know.

Question. I mean his commission under the United States?

Answer. I only know from hearsay; he did not tell me himself that he had resigned.

Question. Was it understood in Pensacola that he had resigned?

Answer. It was understood that he had.

Question. Prior to the surrender of the yard, or subsequently?

Answer. No, sir; not prior. He was on duty when the yard was surrendered. He was the officer that conducted the party to the commodore's office. He was on duty then, wearing his uniform.

Question. The United States uniform?

Answer. Yes, sir.

Question. Was Lieutenant Renshaw also on duty at the time he ordered the flag to be hauled down?

Answer. Yes, sir; as first lieutenant of the yard.

Question. Did he have on his uniform?

Answer. Yes, sir; that is to say, I will not be sure that he was in full uniform. He had on part uniform. He had on an overcoat which covered him up so that I could not see whether his dress coat was uniform or not. His vest was of the government uniform.

Question. Do you understand that he has resigned?

Answer. Yes, sir.

Question. You do not know of your own knowledge, I suppose?

Answer. I have no means of knowing. I met the surgeon of the yard, who left there since I did, and he said he had resigned. There was another officer attached to that station, Dr. Spotswood, an old surgeon. He was the surgeon of the hospital, and had an assistant named Carrington. They were at the hospital, half a mile from the navy yard.

Question. Was the hospital surrendered?

Answer. Yes, sir; the commodore surrendered everything under his command.

Question. What has become of Mr. Renshaw?

Answer. He is there.

Question. In command?

Answer. No, sir; Captain Randolph is in command.

Question. Is he in the service of the authorities there?

Answer. I only know from what I have heard.

Question. Has he a family there?

Answer. Yes, sir.

Question. Living in the yard?

Answer. Yes, sir; as he did before. Commander Farrand is there with his family.

By Mr. BRANCH:

Question. Do any others of the old officers continue to live in the yard?

Answer. All of them. None of them moved out except those that lived north. Dr. Bishop moved to Philadelphia. The chaplain lives in Georgia, and he told me he was going to leave; and the commodore told me that he came along with him, and they separated at Atlanta, Georgia.

By the CHAIRMAN:

Question. Is Dr. Spotswood still there?

Answer. Yes, sir; at the hospital. Dr. Carrington, who is a Virginian, said that he did not know what he was going to do.

Question. You do not know whether he is there or not?

Answer. No, sir.

Question. Can you name any others who are there?

Answer. I do not know what became of the sailmaker, boatswain, and gunner; they lived in the yard.

Question. Were the officers treated as prisoners of war after the surrender; that is, were they restrained of their liberty to go at large, or required to give their parole, or anything of that kind?

Answer. They told me they had given their parole. I did not give any. Neither did Mr. Musgrave, an engineer, who was my assistant. I do not know the reason why they did not exact it from us, unless it was because we slipped away in such a hurry, before they made this arrangement. One reason, perhaps, was because I was not regularly attached to the yard, but only there on special duty.

Question. Do you know from your own knowledge that any officer was required to give his parole; not from what you have heard?

Answer. No, sir; except that Dr. Bishop said he did.

Question. Did you hear any of them give it?

Answer. No, sir.

Question. Was it generally understood that that was done?

Answer. I saw one, written by Major Chase, given to an army officer who arrived there with despatches the evening that I left, but who overtook me on his return, and came along to Washington with me.

By Mr. BRANCH:

Question. A parole?

Answer. Yes, sir.

Question. A permit you mean?

Answer. It read, "on your parole of honor not to communicate," &c.

By the CHAIRMAN:

Question. With regard to this permit that Major Chase gave to him—it was a sort of passport, was it not?

Answer. It allowed him to pass—safe conduct, it said, through the country, on to Washington, or home, something of that kind; wherever he chose to go.

Question. It imposed the condition that he should not communicate with any government officer there at the port, did it?

Answer. He went there with despatches for Commodore Armstrong, arriving there at night about 12 o'clock, and they arrested him the next morning at the hotel, and would not allow him to deliver his despatches.

By Mr. REYNOLDS:

Question. Did they take his despatches from him?

Answer. Major Chase demanded them, and he refused to give them up. After some conversation they concluded that he should go down to the navy yard and deliver the despatches to Captain Randolph in the presence of Commodore Armstrong. He did so, and Captain

Randolph opened them and read them, but not aloud. Lieutenant Saunders, the army officer, said he did not know what the despatches contained, as he did not hear them read; only saw Captain Randolph open them.

Question. Were they then returned to this officer?

Answer. No, sir.

Question. What became of them?

Answer. I do not know.

By the CHAIRMAN:

Question. Were Captain Watson's marines and the mechanics and the laborers all there when you left?

Answer. Yes, sir.

Question. Inside of the yard?

Answer. No, sir; all the laborers and the mechanics there, or the most of them, joined in with the forces that took possession, and went down to Fort Barrancas to unspike the guns. I saw them marching out of the gate with their tools—the machinists and the carpenters.

Question. How far is Fort Barrancas from the yard?

Answer. Just a mile.

Question. Who had spiked those guns?

Answer. Lieutenant Slemmer, of the army.

Question. When was this done?

Answer. On Wednesday, or after Wednesday. The yard was delivered up on Saturday, and on Wednesday Lieutenant Slemmer received some orders.

By Mr. BRANCH:

Question. That is, the Wednesday before?

Answer. Yes, sir; he received orders the same day that Commodore Armstrong did. He took possession of Fort Pickens on Thursday, and on that very night that fort was to have been taken possession of by a party of Florida people there. Lieutenant Slemmer took his measures so that he got ahead of them, and they were very much exasperated to find they had lost possession of that fort.

By the CHAIRMAN:

Question. He abandoned Fort Barrancas?

Answer. Yes, sir, and carried all the stores that he could across to Fort Pickens; some stores he destroyed, and spiked the guns.

Question. While you have no personal knowledge that the officers of the yard who lived in Washington and other places being put under parole, you say that you understood from general rumor that such was the case?

Answer. Yes, sir; they told me so themselves the night I left the yard. I told Dr. Bishop I was going away that evening. He asked me if they had put me on parole, and I said no, they had not. He said, "they have put me on parole." I saw Dr. Bishop here last night, and he said he was under parole, a written parole of honor, not to take part against Florida, &c.; no limited time, but indefinite.

Question. Was anything said about his being exchanged as a prisoner of war?

Answer. No, sir.

Question. Just an indefinite parole not to take part against Florida?

Answer. Yes, sir; he said that Major Chase or Captain Randolph asked him if he would offer his assistance as surgeon to their troops, as an act of humanity, they said. He said he would offer his assistance to anybody as an act of humanity, but he would not obey an order to do it. And he was given to understand that they did not want him there then; so he said he better leave.

Question. He would not acknowledge their authority to issue any order?

Answer. He said he would not obey any order of theirs.

Question. Was Captain Randolph there at the yard any time previous to the day of surrender and after you went there?

Answer. No, sir; he arrived there with the troops, as I understood.

Question. From where did you understand that he came?

Answer. From Alabama.

Question. You do not know what time he was said to have resigned his commission in the navy?

Answer. I understood it was a month or two previous, a few weeks before this happened. I understood that he was a Virginian, but had property in Alabama, and resigned and offered his services to Alabama.

Question. How did you get the impression that Lieutenant Renshaw and Commander Farrand had resigned? You stated that you had no knowledge of it.

Answer. They did not tell me they had resigned.

Question. How did you get the impression that they had resigned?

Answer. From what I was told.

Question. Was it general rumor?

Answer. It was general talk in the town when I left. I left on Sunday evening. Pensacola is nine miles from the navy yard. The people around there knew them well, and said they had resigned. Lieut. Renshaw married in Pensacola, and he was well known there.

Question. Did they state when he had resigned?

Answer. No, sir; he was on duty on Saturday when the yard was delivered up, because he gave the order that the flag should be hauled down.

By Mr. COCHRANE:

Question. Were you there when Randolph was attached to the yard?

Answer. No, sir.

Question. How long afterwards were you there?

Answer. I do not know.

Question. About how long do you think?

Answer. I do not know when he was there. I think he was there somewhere along from 1855 to 1857. I think he was there somewhere about two years. I was at the yard in 1848, 1851, 1852, and again in 1860. He was not there during those years. When he came in, most of the master workmen came up to him and shook hands with him, as if they knew him.

Question. He had not been there for some time previous to this?

Answer. No, sir; not for two or three years.

Question. How long previous to the surrender of the yard was it that the matter of an attack upon it, or any danger to the yard, had been conversed about or expected?

Answer. Well, perhaps a week or ten days; occasionally, perhaps, for three or four weeks previous, some one would say, "well, we will take this yard," but no one paid much attention to it. Gonzales, there, told me perhaps a month before; says he, "we will take this yard." I asked him who was going to take it. He said, "we will find enough to take it."

Question. How long before it was surrendered do you think there was reason for serious apprehension?

Answer. Two or three days.

Question. Only two or three days?

Answer. That is all.

Question. In that time could preparations for its defence have been made with your means there?

Answer. We could not have defended it against any respectable force.

Question. Was there time, with your means, to prepare for defence against what force you supposed might be brought against you?

Answer. No, sir; I take my suppositions from what I heard people say. They said they could get so many troops from Alabama—so many from Mobile; so many from Montgomery. They said they could have a thousand troops there at once. We could not defend the wall against that number of troops.

Question. Do you know whether, at any period that apprehension was entertained of danger to the yard, information to that effect was sent to Washington?

Answer. No, sir; I do not know of any information being sent to Washington at all. The thing was not generally known that troops were coming there, or on the way, except to those who were in the secret. Mr. Gonzales told me that he knew all about it. The troops arrived in Pensacola at 9 o'clock on Friday night.

Question. How long before the surrender of the yard was it that despatches came to Commodore Armstrong, requiring him to be vigilant to defend the yard?

Answer. He received the despatches on the Wednesday morning before the yard was surrendered on Saturday.

Question. Before these despatches were received, had there been any serious apprehensions of danger to the yard?

Answer. No, sir; because it was not believed that they would make any such attempt.

Question. After they were received, was it believed that there would be an attack?

Answer. No, sir; not generally believed by the officers.

Question. After those despatches were received, were preparations made for defence?

Answer. The only preparation I know of was this, which I had from Captain Watson, of the marines: He said that he had been sent for by Commodore Armstrong, and that the commodore wanted him

to put on an extra force on different parts of the wall. Captain Watson told me that he had stationed men, with orders, in case they saw anybody lurking around the wall, not to fire a gun, but to call for the sergeant of the guard, and he would communicate it immediately to Captain Farrand, the executive officer of the yard.

Question. Was there any formal surrender by Commodore Armstrong?

Answer. No, sir; I knew nothing about the surrender; no officer knew anything about it, except Commander Farrand and Lieutenant Renshaw; no other officer was present.

Question. Were any of the arms delivered up?

Answer. Everything.

Question. The side arms of the officers?

Answer. No, sir.

Question. Any arms that constituted public property was delivered up?

Answer. Yes, sir; all public property was delivered up.

Question. But not the private arms of the officers?

Answer. No, sir; some of the officers were in their quarters at the time.

Question. Where were the marines?

Answer. In their quarters, a quarter of a mile off from the commodore's office.

Question. What became of them?

Answer. On Saturday they were allowed to walk about their quarters there.

Question. Did they surrender?

Answer. I was standing outside talking with Captain Watson when an officer arrived to take possession of his quarters, and I saw him deliver them up to Colonel Lomax.

Question. Did the men surrender?

Answer. With the men and everything.

By Mr. REYNOLDS:

Question. Did they deliver up their arms?

Answer. I do not know whether they delivered up their arms or not; but I understood that they delivered up everything.

By Mr. COCHRANE:

Question. What became of them?

Answer. The steamer Wyandotte and storeship Supply were lying in the stream at anchor. The Supply was lying close under Fort Pickens, delivering stores there.

Question. Were the marines transferred on board those vessels?

Answer. On the day of the surrender, those ships went outside, left the harbor, and anchored outside of it. The next day, in the morning, Sunday, the Wyandotte came in with a flag of truce, with the first lieutenant of the Supply on board, as a messenger from Captain Walke, commanding the Supply. He sent his first lieutenant on board the Wyandotte, as a messenger to the authorities in the yard, whoever they were, Captain Randolph or Major Chase. The

commander of the Wyandotte is the junior of the commander of the Supply. I was there when he landed. He had an interview with Captain Randolph, Major Chase, and Colonel Lomax, on the wharf, where he landed. After about twenty minutes' conversation, they allowed him to pass the guard, and he went up to the commodore's house. He soon returned with the commodore, down to the wharf again, and there they all met. After some conversation, this lieutenant, Daniels, passed the guard and said, "now, if you want to go along, come on board the Supply; we have permission to take everybody that wishes to leave." I saw Commodore Armstrong a moment or two afterwards, and asked him if any one could go aboard the Supply that chose, and he said, "yes; they have consented to let the officers and their families go aboard the Supply, such as choose to leave."

Question. Did they leave?

Answer. They were packing up, expecting to go that evening.

Question. What became of the marines?

Answer. They were allowed to go aboard the Supply; but whether they were allowed to take their arms or not, I do not know. Captain Watson said the marines were going on board the Supply.

Question. Where did the Supply and Wyandotte lay at the time of the surrender of the yard?

Answer. The Supply lay under Fort Pickens, delivering supplies to the fort. The Wyandotte lay nearer to the yard.

Question. Had either of them any armament?

Answer. The Wyandotte had four guns, and some small arms.

Question. Could she, at any time, have been put in position to defend the yard?

Answer. No, sir, I think not, without knocking down the buildings in the yard, and endangering the property in the yard.

Question. Could she at any time, by any position given to her, have brought her guns to bear upon any attacking force upon the yard?

Answer. No, sir.

Question. Neither she nor the Supply?

Answer. No, sir.

Question. Then your opinion is that the Supply and Wyandotte were both useless in the defence of the yard?

Answer. Yes, sir, as ships.

Question. Could their guns have been removed to the yard for its defence?

Answer. Not in time, after the despatches were received.

Question. Could they at any time?

Answer. They could have been landed and placed at the gates.

Question. How long a time would that occupy?

Answer. About a day.

Question. With the yard thus defended, could it have been held against an attacking force?

Answer. I think not, because they could have knocked the wall down at any place, and make other gates; or they could climb over the wall, as it was not very high.

Question. Then you think that, with all the means at command at

that time, the yard could not have been defended against an attacking force?

Answer. I think the force there that morning would not have attacked us if they had supposed that we would defend the yard. They might have overpowered us, but we would have killed a great many of them before they got possession of the yard. But I think they would have waited for re-enforcements; they were arriving there every day; a company arrived there that evening, and another the following day. I base my opinion upon the fact that the mechanics, 125 men, would not have fought on the side of the authorities of the yard.

By Mr. DAWES:

Question. Where were you standing when you first heard of the approach of these forces to the gate?

Answer. I was standing with Commander Farrand, in conversation with him, in front of one of the houses there—I think in front of Master Pierson's house.

Question. How far from the gate?

Answer. Well, perhaps eighty rods.

Question. You stated that a messenger, or some one, approached the commander while you were talking with him. State what he said to him.

Answer. He seemed to come in a hurry, and said, "they are coming," or "they are here." Commander Farrand seemed to be aware who they were, for he said, "I have got to go and receive them," or something of that sort. I said, "who are they? Are the troops here?" He said "yes;" and I followed on after him.

Question. You followed him to the gate?

Answer. He started in advance, and it was after he started that I asked who they were. And then I went on to see.

Question. What transpired at the gate?

Answer. I saw there two gentlemen inside the gate; they had been admitted inside the small gate.

Question. What two gentlemen?

Answer. Randolph and Campbell.

Question. What was the conversation there?

Answer. Commander Farrand met them very cordially, and shook hands with them, and smiled and laughed; and turned around and conducted them to the commodore's office.

Question. Did they say anything to him?

Answer. I did not hear them say anything.

Question. Did he say anything to them?

Answer. He received them very cordially, and I thought from his manner that he was glad to see them.

Question. Did he ask them to accompany him?

Answer. I do not know what he said to them; he seemed to know what he had to do, and they seemed to know what they came for.

Question. Did you accompany them to the commodore's quarters?

Answer. No, sir.

Question. You said you were outside when they were there.

Answer. Those were the commissioners.

Question. Will you rehearse that whole matter again?

Answer. They started to go down to the commodore's office, and I went out of the gates to take a look at the troops, and spent some twenty minutes or more looking at them. They were some distance off; had halted, perhaps, a quarter of a mile from the gate. I went down there, stood a moment, and walked back again; and when I got back I found Commander Farrand just returning with these two gentlemen, and they came outside of the gate. In the meantime Colonel Lomax, and one or two of his officers, had left the troops and ridden up to the gate. They had an interview with the others then, but what was said I do not know. The gates were then opened, and they rode in, leaving the troops outside. While they were in the yard, the troops took possession of the magazine outside.

Question. Those officers proceeded where?

Answer. They proceeded to the commodore's office. I saw them go there.

Question. How long were they in the office?

Answer. Two or three minutes, perhaps five minutes; it could not have exceeded five minutes. When Lieut. Renshaw came out, I was standing there, with perhaps a dozen others. One was an editor of a Pensacola paper; another was the master machinist of the yard, and several others. I think Captain Pierson was there; he was not a captain, but he was generally called so, as he was an old master. Lieut. Renshaw came out and beckoned to the watchman; "here," said he, "haul that flag down."

Question. When did you next see the commodore after this?

Answer. About half an hour afterwards, I think.

Question. What was he doing?

Answer. I met him in the yard, in front of his house. Colonel Lomax went back and marched the troops in.

Question. What was done then?

Answer. The troops marched around to the other gate, the gate that leads to the marine barracks, which were outside of the wall there. They marched around there, and the men were drawn up inside of the yard. I went out to see Captain Watson, who commanded the marines, and in a few minutes the gate swung open and Colonel Lomax rode out and took charge. Captain Watson said, "I have orders to surrender the place, and here comes the person I am to surrender to."

Question. What did he do; give up his sword?

Answer. No, sir; he was in undress uniform, without his sword.

Question. Did you say that these forces appeared there at 9 o'clock on Friday night?

Answer. They were at Pensacola at that time, nine miles off.

Question. When was it first known at the yard that they were at Pensacola?

Answer. Officially, do you mean?

Question. No; known in any way.

Answer. I believe I heard of it as soon as any one. A gentleman living outside of the yard, a citizen, had been up to town, and I made it my business to see him. I had heard it rumored that there were

troops coming. He said the troops were expected there, in Pensacola, at 9 o'clock, but he said he would not wait. He said that Mr. James—by the way, there were two officers that I did not mention: Mr. James, assistant engineer, and Mr. Abert, civil engineer, son of Colonel Abert here—he said that Mr. James was in town, and would wait until the train arrived. I went up to Captain Watson's house and told him what I had heard. He said he did not know whether to believe it or not; whether it was so or merely a rumor. Then I called at Mr. James's house, between 10 and 11 o'clock, in hopes he had returned, but he had not arrived, and I went home. The next morning I saw Mr. James, and he said he had got down to the yard about 12 o'clock. I think he said he went right to the commodore and told him that the troops had arrived, some 300 he said.

Question. What was then done? This surrender took place about half-past one o'clock Saturday afternoon. What was done during the forenoon in the yard; anything unusual?

Answer. No, sir. But I heard in the morning about 9 o'clock, or I saw Captain Watson, and he said he had had an interview with the commodore, who had told him that there were troops on the way down. He said he had inquired of a great many if there were troops, and they said "no." He said he did not believe that there were any troops, but that it was only a rumor, got up to alarm them. He said he had heard at one time that there were troops up at the bayou, as it was called, but it had turned out that there were none there.

Question. Was there anything going on in the yard that forenoon that indicated any greater vigilance than before?

Answer. No, sir; there could not have been anything done that forenoon. There were extra posts established, and the sentries were all at their posts. The troops arrived there as early, perhaps, as 11 o'clock.

Question. Was that the time you saw the commissioners at the gate?

Answer. No, sir; that must have been near 12 o'clock, or after.

Question. Do you know whether there was any communication between the fort and the Wyandotte and Supply during the night?

Answer. Which night?

Question. Friday night.

Answer. Yes, sir; there was constant communication all the time.

Question. Do you know of any communication between Commodore Armstrong and the Supply, or the Wyandotte, on Friday night?

Answer. I only know what Commander Farrand told me.

Question. What was that?

Answer. He told me on Saturday morning this: Said he, "I can do nothing here; I wanted to have an officer arrested last night, and the commodore would not do it."

Question. What did Commander Farrand say to you in reference to the communication between the Supply and Wyandotte, and the yard, during the night?

Answer. I was going on to state how the conversation commenced. Commander Farrand said he was sent for the evening before to go to the commodore's house, and there he had met Lieutenant Erben from

the Supply. He said the lieutenant had come there to ask the commodore's permission to go outside in the night and destroy the powder in the magazine, so that it should not fall into the hands of these forces. The lieutenant said, "I have been down to Fort Barrancas to assist Lieutenant Slemmer to carry the stores to Fort Pickens, and I have destroyed a great many of the stores that I could not get over, and some powder." He also said, "two boats came there, watching my movements, and if they had come near enough I would have fired into them." Commander Farrand said he told the lieutenant that if he had done so he would have done very wrong, for it would have created an excitement there. He said that Lieutenant Erben said to him, "I did not come here to have any conversation with you," and said something about Commander Farrand being connected with the opposite party. Commander Farrand said he would not stay there, and walked out. He said Lieutenant Erben followed him out, and repeated what he had before said, about his being connected with the opposite party, and that he did not come there to have any conversation with him.

Question. Did you learn what the commodore said to the request of this lieutenant for leave to destroy the powder in the magazine?

Answer. No, sir; no more than from hearsay; I was not present.

Question. Is that all you know in reference to the communication between the ships and the yard?

Answer. That is all I know about the communication that Friday night between the ships and the yard.

Question. Do you know of any communication that passed between them on the morning of Saturday?

Answer. No, sir; except that I understood that the Wyandotte and the Supply received orders to leave the harbor immediately on the yard being taken possession of by these forces.

Question. From whom?

Answer. From Commodore Armstrong, I understood.

Question. When did they receive this order?

Answer. Before the yard was surrendered—to leave the harbor as soon as the yard was surrendered.

Question. When did they receive the orders?

Answer. I understood they received them that morning.

By the CHAIRMAN:

Question. Saturday morning?

Answer. Yes, sir.

By Mr. DAWES:

Question. Do you know what reason was given for that order?

Answer. No, sir; except that I understood the orders were for the ships to leave the harbor as soon as the yard was surrendered, and proceed to their stations. They did not belong in Pensacola; the Supply came there for supplies for the squadron at Vera Cruz; the Wyandotte came there for repairs; I think she was taken out of the dock on Thursday, and immediately went to the assistance of Lieutenant Slemmer, transporting things to Fort Pickens. She had been

employed two days in that way, and Commodore Armstrong gave them orders to proceed to their stations.

Question. These orders were given on Saturday morning?

Answer. Yes, sir; I understood that it was done so that they should not fall into the hands of these people. The commodore would not have been able to have given them any orders after the yard had been given up. I understood the order was that, in case the yard was taken possession of, they should leave the harbor.

By the CHAIRMAN:

Question. So as to save the ships?

Answer. Yes, sir; so that they should know where to go; for, according to naval regulations, they could not leave without the order of the commodore, and he could not issue an order after the yard had been taken possession of.

By Mr. DAWES:

Question. And he issued this order expecting that he would be compelled to surrender?

Answer. Yes, sir; and to prevent the ships from falling into the hands of the enemy.

ELBRIDGE LAWTON,
Chief Engineer U. S. Navy.

FRIDAY, *January* 25, 1861.

WILLIAM S. BISHOP sworn and examined.

By the CHAIRMAN:

Question. Are you an officer in the United States navy?

Answer. I am passed assistant surgeon, and have been on duty at the Pensacola navy yard as acting surgeon since September, 1859.

Question. How long had you been connected with the Pensacola navy yard immediately preceding the surrender?

Answer. From September, 1859, until the day of capitulation. I was ordered out to the hospital there in March, 1859, and was transferred from the hospital to the yard in September, 1859.

Question. The hospital at that yard?

Answer. No, sir; it is a mile below the yard. There are two sets of medical officers—a surgeon at the yard, and a surgeon and assistant surgeon at the hospital.

Question. Are they all under one jurisdiction?

Answer. All under command of the commandant of the naval station at Pensacola.

Question. All under command of Commodore Armstrong?

Answer. Yes, sir.

Question. At what time did you first ascertain that the yard at Pensacola was to be attacked, or a demand for its surrender made?

Answer. The first rumors that we had were after the seizure of the

forts in Alabama. Then it was merely rumored or talked about that the next occupancy would be of the forts and yards at Pensacola.

Question. Do you recollect the time when those forts were taken?

Answer. It was about the 8th or 9th of January. I will not be positive. I think it was on the 8th of January that Fort Morgan and the forts in Alabama were seized.

Question. Did these rumors continue to come down to the time of the surrender?

Answer. It was a matter of common talk, amongst the people outside and every one connected, that the next attempt would be upon the forts in the bay of Pensacola.

Question. When did you first learn that the troops of Alabama, or Florida, or whatever they were, had arrived at Pensacola?

Answer. On the night of the 11th was the first information that I had from any source of the arrival of the Alabama forces.

By Mr. COCHRANE:

Question. What day of the week was that?

Answer. Friday, the day before the capitulation, which was on Saturday.

By the CHAIRMAN:

Question. At what time did the troops arrive at the yard on Saturday?

Answer. Probably 10 o'clock. I will not be positive, though, as to the exact time. It may have been earlier. It may have been 9 o'clock.

Question. About what time was the flag hauled down?

Answer. That must have been within an hour and a half or so after the arrival of the troops. I saw nothing of the circumstances attending the pulling down of the flag. I did not leave the quarters after I had got through my duties at the dispensary in the morning. I presume it was about 12 or 1 o'clock that the flag was pulled down.

Question. Were you present when the commissioners, as they were called, made their demand?

Answer. No, sir; I was not.

Question. You were at your own quarters?

Answer. At my own quarters. As soon as I found that the troops were arriving I went there, and did not leave them until after the capitulation was completed, and the colors hauled down, and the yard in the occupancy of the Florida troops.

Question. Were the troops marched into the yard after the surrender?

Answer. After the capitulation they were marched through.

Question. The whole body of soldiers?

Answer. The whole body of them, from the north gate to the west gate. They marched through the yard, and on to the outside, to the marine barracks, and part of them were quartered there, part were left at the north gate, and the balance were sent on to Fort Barrancas, a mile further west.

Question. These barracks were under the command of Commodore Armstrong?

Answer. Not the Barrancas barracks. They were under the command of Lieutenant Slemmer, but he had abandoned them and gone to Fort Pickens. They were left without a soul there. Every one had been removed to Fort Pickens, if my memory serves me right, on the 9th?

Question. What became of the United States officers and men—the mechanics and men in ordinary, as they are called, after the surrender, and the troops had taken possession of the yard?

Answer. The marines went on board the Supply. Those of the ordinary men that saw proper to leave went on board the Supply also.

Question. The Supply is a storeship?

Answer. Yes, sir; the United States storeship Supply, that happened to be there to take provisions and coal for the squadron at Vera Cruz. The forward officers and their wives that happened to be there, and all the men who were not held to the yard by interest or attachment—Lieutenant Irvine and his wife—went on board the Supply. He was there with his wife at the time of the capitulation, and had permission to go on board. The wives of Lieutenant Slemmer and Lieutenant Gilman, the army officers at Fort Pickens, were also on board the Supply. Captain Walke, of the Supply, under the circumstances, took the responsibility upon himself of taking those ladies, and the officers and their families, on board the Supply, to return with them to New York. When I left there, on the 16th, the supposition was that they would return to New York soon.

Question. Did any considerable number of the officers of the United States go over to the invaders—that is, take service under them?

Answer. None but Commander Farrand, Lieutenant Renshaw, and the master of the yard, Captain Pierson. These three gentlemen resigned their commissions and remained in the yard.

Question. Subject to the authority of the Florida forces?

Answer. Yes, sir. Captain Randolph, who is an Alabamian, is in charge of the yard.

Question. Had Captain Randolph been connected with the yard since you went there?

Answer. Not these last two years. He was on duty there when I was on duty at the hospital in 1853 and part of 1854. He was on duty as commander, and with Commodore Tatnall, in 1853 and part of 1854.

Question. He had not been there since September, 1859?

Answer. No, sir; not since the period I spoke of?

Question. Did he come with the troops?

Answer. Yes, sir.

Question. Where has he been stationed recently?

Answer. He has not had any sea duty for the last four or five years, and no shore duties since the time I speak of.

Question. Is he still an officer in the navy?

Answer. No, sir; he resigned—judging from the date of his resignation given in the papers—but a day or two before he had time to reach Pensacola.

Question. When did Commander Farrand resign?

Answer. My own impression of the captain's resignation is, that it was on Sunday, the 13th instant, though the date of the telegraph here is obscure—on the 15th, I think; Tuesday.

Question. Did he resign by telegraph?

Answer. He must have done so, I think.

Question. Did Lieutenant Renshaw resign at the same time?

Answer. No, sir; he did not resign, I think, until the morning of the 16th, the day I came away. I will not be positive about that, however, for it is not a fact that my attention was called to. I know he had not resigned on the 14th; he may have done so on the 15th, but I think it was on the 16th.

Question. He had not resigned on the 14th?

Answer. No, sir.

Question. This Captain Pierson, was he an officer of the yard?

Answer. Yes, sir; an officer out of the line of promotion. He is one of those old masters who have been in the service for years. They are spoken of as "masters out of the line of promotion," to distinguish them from the passed midshipmen, who are promoted.

Question. Still he was, to all intents and purposes, a commissioned officer?

Answer. Yes, sir, or a warrant officer; I do not know which.

Question. Do you know when he resigned?

Answer. I think it was on Monday the 14th, or probably on Tuesday the 15th.

Question. Did the marines go on board the Supply?

Answer. Yes, sir; their captain, Captain Watson, left the yard with Commodore Armstrong and myself, and came along with us as far as Atlanta, Georgia. There he took the route to Savannah, in order to go to New York by sea. His wife's health was delicate, and she was not able to bear the railroad travel, and he left us at Atlanta and took that route.

Question. Do you know the circumstances under which Captain Watson and his marines, and the officers who left—do you know the circumstances under which they left; were they required to give parole?

Answer. The officers that did not remain gave their parole of honor not to serve against the State of Florida.

Question. That was required of yourself?

Answer. Yes, sir; I have that document with me.

Question. Will you read it?

Answer. It is as follows:

"PENSACOLA NAVY YARD,
"*January* 14, 1861.

"Passed Assistant Surgeon William S. Bishop, United States navy, having given his parole of honor not to bear arms against the State of Florida, has permission to leave this naval station, with his private property, without hindrance or molestation.

"V. M. RANDOLPH,
"*Captain Commanding Navy Yard.*"

Question. Is the time limited in relation to this pledge not to serve against Florida, or bear arms against Florida?

Answer. There is no limit. It is just worded, "having given his parole of honor not to bear arms against the State of Florida."

Question. This refers to the parole; in the parole itself there is no time given?

Answer. No, sir.

Question. No provision for the exchange of prisoners?

Answer. No, sir.

Question. That is, the parole is correctly described in that as being general?

Answer. Yes, sir.

Question. And that is substantially the form adopted in the case of the marines, Captain Watson.

Answer. Captain Watson, Commodore Armstrong, Purser Warrington, and myself were the only officers on duty in the yard of whom this parole was exacted. Other officers there on special duty were not held in the same way, I presume.

Question. They were held, or at least treated, as employés?

Answer. Yes, sir; and along with this I brought Captain Randolph's receipt to me for the instruments, medicines, stores, and supplies that were under my charge in the dispensary—the medical storeroom of the station.

Question. That is, of all the property immediately committed to your charge?

Answer. Yes, sir. On the morning of the 14th I wrote, enclosing him the key of the dispensary and the last return I had made to the bureau here on the 3d of January, of the stores and supplies then under my charge; that is on file here in the Bureau of Medicine and Surgery.

Question. The receipt you speak of?

Answer. The receipt, yes, sir.

Question. Were any preparations made to defend the yard after those rumors became current?

Answer. No, sir.

Question. Will you state what the reason was; whether any preparations were impossible, or it seemed to be a want of disposition?

Answer. It seemed to me that it was impossible to make preparations to defend the yard. The construction of the yard was such as to show that it was not calculated that any land forces would attempt its capture from the land side. The yard is a square. The north and west sides are protected by a twelve-foot brick wall, I should think. The other sides are open to the sea. The wall is so low that the sailors used to get over it whenever they wanted a drunk, by means of a six or eight foot plank, getting up on top and over the other side. I never knew of but one accident from the attempt, and that was a poor fellow who had got too much of a load on, and fell down when getting over, and broke his leg. There was not a gun mounted there, and no means of mounting any in that time.

Question. Nothing but small arms?

Answer. Nothing but the muskets of the marines. All the ordi-

nary men who were able-bodied, and at all capable, had been sent to Fort Pickens with Lieutenant Slemmer on the 9th, and had not returned, and they are there now with him. There were some thirty of them, I heard, and they are now with Lieutenant Slemmer, making up his command, with the balance of his men, to about eighty-three men. The gates opening from the yard on the north and west sides are simply wooden gates, that these men with a piece of timber eight inches square and ten feet long could just drive right through.

Question. What was the name of the storekeeper in the yard?

Answer. Gonzales.

Question. Do you know whether he expressed any wish to defend the yard, or did he desire that it should be surrendered?

Answer. No, sir; I do not think he ever expressed any wish to defend the yard. I think his feelings were that there should be no resistance made, as would have been that of every one. That was mine, for I saw no earthly chance for the defence of the yard beyond, at furthest, a day's parley. We had every reason to believe that there were still additional forces on the way down on the twenty-mile break on the road; which was the fact, for they arrived afterwards.

Question. You had a firm belief that it could not be successfully defended?

Answer. Yes, sir.

Question. Still you did not desire the surrender *per se?*

Answer. No, sir; only to avoid the risk of losing the lives of everybody in and about the yard.

Question. Do you think that all the officers there sympathized with you—that is, do you think they all earnestly desired to have the yard retained, or were some of them secessionists?

Answer. I cannot answer that question. I know from a conversation with Captain Farrand, when the elections in Alabama were being held for the State convention, to which the question of secession was submitted, that his announcement to me was that if Alabama seceded he would go with Alabama.

Question. He would go with Alabama?

Answer. He would resign his commission.

Question. Alabama had seceded prior to this surrender?

Answer. We had heard of the secession of Alabama before the 12th.

Question. You had heard of it?

Answer. Yes, sir; we must have heard of it. He announced publicly and openly in his conversation that that would be his course if Alabama seceded.

Question. I would hardly think it proper to draw out of you any remarks as to what other people may have said as to particular officers; but I would like to have you to state anything you heard any officer himself say touching himself?

Answer. That is all I can give you—that was as to himself.

Question. Now, in that connexion, I would like to ask you, in regard to Lieutenant Renshaw, the same thing?

Answer. Lieutenant Renshaw was not disposed to resign, and did not until under the influence of his friends, &c., who were there. He did not resign, I think, until the morning of the 15th.

Question. Do you understand that all these resignations were communicated to the department by telegraph?

Answer. I think they were all communicated by telegraph, unless it was Dr. Spotswood's.

Question. Dr. Spotswood?

Answer. Yes, sir; I think it probable his resignation was by letter, on the day of the capitulation.

Question. He was an old gentleman?

Answer. Yes, sir. I think his resignation was by letter on the day of the capitulation. From that day there was an interruption of communication. But I doubt whether there was any regular postal communication after the 13th or 15th.

Question. Can you state the amount of arms that were surrendered?

Answer. Indeed, I cannot. My duties in the yard were not of a kind to make me familiar with anything of that kind.

By Mr. COCHRANE:

Question. You speak of a capitulation; I would like to know what you understand to be the terms of that capitulation?

Answer. I never heard of them; never knew what terms of capitulation were made.

Question. Then all you know about them were the individual terms communicated to you?

Answer. To myself?

Question. On giving your parole of honor not to bear arms against Florida?

Answer. Yes, sir; that I was then at liberty to leave.

By the CHAIRMAN:

Question. You left there on the 16th?

Answer. On the 16th, in the afternoon.

Question. What had become of all the mechanics and laborers?

Answer. They were all there as busy as they could be in preparing the yard for defence. It shows the temper that the commodore was surrounded with.

Question. Were they employed by the Florida authorities?

Answer. Yes, sir; every individual, with the exception of three or four, were earnestly at work in clearing out Barrancas and unspiking the guns, and getting ready to defend the place.

Question. They seemed quite as zealous under the new administration as under the old?

Answer. More so; and that was one element, I presume, that entered into the commodore's calculations in taking his course.

Question. From what you know of the temper of all the men in and around the yard you would think that this disposition to go over to the other side would be a strong element in justification of the course of the commodore?

Answer. I think a very strong one, for he would have been left with nothing but his marines.

Question. With enemies in his own household, as it were.

Answer. Yes, sir; with none that he could rely upon but the 23, or 25, or 30 muskets that he had in the marine guard.

Question. Would you make the same remark about Commander Farrand and Lieutenant Renshaw, as to their zeal under the new order of things?

Answer. No, sir; I was not there long enough to see them. Captain Farrand and Lieutenant Renshaw would do nothing until they knew whether their resignations had been received and accepted.

Question. Do you know when they were accepted?

Answer. They were not accepted when I left there, I think; for if they had been I think I would have heard of it. They were both holding aloof until their resignations were accepted.

Question. Were any propositions made to you to enter into the new service there?

Answer. I was asked if I was a Floridian, and I said, no. And I was asked if I would render any services in case of any trouble there. I said, that as a humane man I would, certainly, to any human creature suffering; but under orders, none. That was the only question put to me.

Question. You understood it to be impossible for you to come away peaceably without this parole?

Answer. Without this parole? yes, sir. I would not have done it; I do not suppose I could.

Question. That is, this arrangement was made part of the order of things—part of the established authority?

Answer. Yes, sir.

By Mr. DAWES:

Question. When did you say that you thought mail communication was interrupted between the navy yard and here?

Answer. I think from the moment they commenced the transportation of troops. I think that led to the interruption; not any disposition to interfere with the mail, but simply from the occupancy of every means of transportation across the break in the road.

Question. When did that occur?

Answer. The first troops from Alabama arrived on the 11th. They were probably a day or two days in getting that body of men, conducting them and their baggage, as they best could, across the twenty-mile gap. Probably they had been there from the 9th to the 11th. Mr. Lawton was detained there two days in coming on here, and he left after the surrender.

Question. Was there communication between this place and the navy yard by telegraph?

Answer. The telegraph at Pensacola was seized, by order of the governor of Florida, on the 8th, I think.

Question. At the navy yard?

Answer. There is no telegraph at the navy yard; but at Pensacola, 9 miles off, the telegraph was seized, if my memory serves me right, on the 8th, and a sentry stationed there to overlook every telegraphic despatch going and coming.

By the CHAIRMAN:

Question. Can you state what time it takes for the ordinary passage of the mail from this city to Pensacola, when there is no interruption?

Answer. Before the change of route, when our mails came by the way of Montgomery, Alabama, and from there by stage and the river to Mobile, it was from six to seven days; more frequently seven days than six. But from the time the route was changed, and the mail sent from Montgomery direct to Pensacola, it was five days. And upon the completion of the break we would have had communication in three or four days from New York to Pensacola. This change of route from Montgomery to Pensacola, by railroad, instead of the stage route from Montgomery to Mobile, was made probably about two months ago.

Question. You are sure that Commander Farrand and Lieutenant Renshaw had entered the Florida service before you left?

Answer. Yes, sir; they were in their quarters.

Question. They must have had news, then, of the acceptance of their resignations?

Answer. I do not know whether they had or not; or whether they were holding on in *statu quo* until they should get that news. But they were still holding their quarters, and still in the occupancy of them.

By Mr. BRANCH:

Question. When was the yard surrendered?

Answer. On the 12th.

Question. Do you know of any means of defence within reach that could have been availed of between the time that the rumor that the yard would be attacked first reached you and the time that it was actually attacked?

Answer. Not available for a defence of more than twenty-four or thirty-six hours at the furthest. It might have been available for that length of time by parley; but the moment that they had the troops there that arrived within twenty-four hours after the capitulation, no power that the commodore could have used could have prevented the people going over the wall as easily as over a barn-yard wall, if they did not knock it down. That is my opinion, though I am not a military man. Others might have seen a better chance for defence.

Question. Do you know of any means of defence that the government at Washington could have furnished in time to save the yard?

Answer. No, sir.

By the CHAIRMAN:

Question. This was after you had heard these rumors?

Answer. Yes, sir; the whole was within four or five days.

WM. S. BISHOP,
Passed Assistant Surgeon, United States Navy.

No. 3.

FRIDAY, *January* 25, 1861.

JAMES ARMSTRONG sworn and examined.

By the CHAIRMAN:

Question. You are a naval officer?

Answer. I am a captain in the navy, sir.

Question. Have you been recently stationed in Florida, at Pensacola?

Answer. I have; I assumed the command there on the 30th of October.

Question. This last October?

Answer. Yes, sir.

Question. And you remained in command there up to the 12th of this month?

Answer. Up to the 12th of January, 1861.

Question. What day did you leave there?

Answer. I left there on the 16th.

The CHAIRMAN. Our object is to get all the facts and circumstances attending the demand that was made by those forces, regular or irregular, whatever they may be—Florida and Alabama forces—all the facts and circumstances attending the demand made by them for the surrender of the yard. These we will draw out by questions, or you can go on and state them yourself, in your own way.

The WITNESS. I would prefer being asked the questions, because there are so many circumstances, that I might forget some particular part or portion of them.

Question. About what time did you get intimation that this demand, or an attack—either a demand or an attack—was to be made upon the yard?

Answer. I think it was about 12 o'clock. It might have been a little before or a little after. I was informed that there was a strong force coming against the navy yard; that they had already taken possession of the magazine, and stationed guards over that, and were advancing to the gates.

Question. About 12 o'clock of Saturday, the 12th instant?

Answer. Yes, sir; I think it was about that hour. I am not positive. It might have been a few minutes one way or the other; but to the best of my recollection it was about that time of day. When I heard of this, and that a large force had taken possession of the magazine, I came to the conclusion at once that they might just rush right on, because we had no force to resist them; and I went to my office as fast as I possibly could, and took the naval signal books and put them under my coat, and was carrying them up to my house to destroy them, which I did, when I met the commissioners, as they called themselves, and I think Captain Farrand, coming up from the gate towards me. He introduced them to me. I know Captain Randolph, who had recently left the navy, though I had not seen him for many years. He appeared to be very glad to see me, and said, "How

do you do," &c. He said, "We are commissioners appointed by Florida to demand the surrender of this navy yard."

Question. Who was the other commissioner?

Answer. Mr. Campbell, of Pensacola?

Question. Were you acquainted with him?

Answer. I was not. He was a stranger to me—a lawyer in Pensacola. I was at that time a stranger to almost everybody there, except those immediately around me. I had not been there for thirty years before, and was unacquainted even with the officers, except the paymaster, Mr. Warrington. I told these gentlemen if they would have the kindness to proceed on to my office, I would meet them there in a few moments. I went on up to my house, and there tore the signal books to pieces and put them into the fire, and requested my wife to see that they were burned up. I left them blazing, and she completed the operation. I went back to the office, and found those gentlemen there—not only them, but Captain Farrand and Lieutenant Renshaw, who happened to be present, or who went in without my sanction or my request.

Question. Those four persons were present?

Answer. Yes, sir; they were present; I do not know what others. When they made this demand upon me, that they were authorized by the governor of Florida to come and treat for the immediate surrender of the yard, I told them that it was a very unexpected thing to me to be attacked by my own countrymen in time of peace; that of course I had not the force to resist them, as they said there was a full regiment of some 500 men from Alabama, under the command of Colonel Lomax. I told them that it was not in my power to resist and make honorable terms, but I should require honorable terms, at least. They said I should have them. They sent, then, for Colonel Lomax, and he came into the hall. He was a gentleman—a very polished man, and courteous withal. He said, "Commodore, I will read you my instructions." He read his instructions to me, that he was ordered to proceed to the navy yard and take possession of it—ordered by the government of Florida. He was an Alabamian, and it was an Alabama regiment there. Colonel Lomax, I believe, had been, during the Mexican war, with General Taylor, or somewhere in that direction. He was quite a distinguished man. He belonged, I am told, to Montgomery, Alabama. He read his instructions to me, and was almost as much distressed and embarrassed as I was, because he had to stop very frequently. I concluded that he felt for my position, for which I felt very grateful to him; to find that there was some one who had some feeling for me. It raised him in my estimation. I stated to him that I had not the force to resist him; that my whole force consisted of a couple of dozen of marines; that the place was not fortified; we had no breastworks; and as to the walls, you might take a sledge-hammer, or a common wood axe, and make a hole through them in very little time. I told him that my men could not command the wall, and the open places about the yard, for they would have to command the distance of a hundred yards apiece, and that I had no alternative but to surrender; and the place was immediately surrendered. To my great surprise, the first lieutenant of the yard,

who was sitting back of me, after we had had this conversation, spoke out in a very audible voice: "Commodore, shall I haul down the flag?" I looked at the man astonished; it appeared to arouse me from a dream. I bowed, and turned my head away.

Question. And, accordingly, he did order it to be hauled down?

Answer. So I was told; I did not see him do it. Some gentlemen who were not seceders heard his remark, and heard him give the order. And to my great surprise, the moment the flag was hauled down, why, sir, they were in the ranks of the invading troops, marching along with them, I should think, 19 out of every 20 of them.

Question. Of all the men you had there?

Answer. Of all the men in the yard. The marines were the only ones I could depend upon in fighting. I was a stranger there, and did not know their names; but I saw them marching along in file after the troops that were marching through the yard. They left a large force outside to protect the magazine. I was told there was another company that marched down around the yard to go down to Barrancas, and they took possession of it and kept it. I had no intercourse with them. I was left in the commandant's house, with no one to report to me or tell me what was going on; if I had been in Jerusalem I could have got as much information there as I got in the yard. I appeared to be the only man that knew nothing of what was going on.

Question. After the surrender?

Answer. And before, sir. I heard nothing except it was whispered from somebody else.

Question. Did any of the subordinate officers of the yard report to you the day before that those forces were approaching the yard?

Answer. No, sir; I heard that there were troops at Pensacola. I was told there were troops at Pensacola.

Question. Did you suppose they were coming there for that purpose?

Answer. I did not suppose they were going to attack me. I thought they were troops that were sent there for the purpose of aggression somewhere. I had no intimation that they were coming. But I took it for granted that it was necessary for me to be prepared, and I prepared accordingly with all the force I had. I had the guard divided. There are three gates; the middle gate was secured, and was in possession of the second in command.

Question. That is, of Farrand?

Answer. Yes, sir. He was the executive officer of the yard, and I gave my orders to be very vigilant; and I knew nothing of those forces until they were at the gate, and it was reported to me that they had taken the magazine and were advancing to the gate; and the first thing I discovered was these two commissioners coming in with the executive officers.

Question. What, so far as you know, was the conduct of Commander Farrand immediately after the surrender; did he join these forces?

Answer. Well, sir, he told me he should be under the necessity of resigning or losing all his property; that all the little property that he had accumulated in the course of his service was located there—some $20,000 or $25,000—and that he would have to sacrifice one or

the other. I said to him, "I have no advice to give to you; every man must act from his own impulse."

Question. Had you ever had any intimation that he was untrue to the United States prior to that?

Answer. Never in my life. I thought him one of the most active, energetic, and best officers of my acquaintance. I had never seen one superior to him as an executive officer of the yard.

Question. Up to the very time of the surrender?

Answer. Up to the very time of the surrender; and I could not even believe it afterwards when I heard it was so, because I had formed such an exalted opinion of the man, his activity, energy, and industry, that I thought him about the best qualified officer for a dock yard that I had seen.

Question. How was it in regard to Lieutenant Renshaw?

Answer. Well, sir, I never admired the gentleman.

Question. I mean as to his loyalty?

Answer. I knew nothing about him until the circumstances which I have just related took place.

Question. Did he immediately go over to the invading forces?

Answer. I did not watch his motions. It is only this one act of his that called my particular attention to him, and I set him down in my own mind at that time as a traitor.

Question. The time he spoke about hauling down the flag?

Answer. Yes, sir; I set him down then as a traitor to his country.

Question. Do you remain of the same opinion still?

Answer. I have seen very little of him, but I have seen nothing and heard nothing that would change my opinion. He came and told me very soon afterwards that all his interest in the world was in Pensacola, and that he should resign. That was after the surrender; and I think he moreover said that he should offer his services to the governor of Florida after his resignation had been accepted.

Question. Do you know at what time he did resign?

Answer. I know nothing more about him.

Question. You do not know whether he resigned at all or not?

Answer. I cannot tell any more than you can, because I avoided the man, and wanted nothing to say to him.

Question. You stated that you saw a large number of your men archi in the ranks of these forces?

Answer. They were not my men.

Question. Well, the men employed in the yard? I do not allude to their position or capacity.

Answer. Employed by the government of the United States, yes, sir.

Question. You say you saw a large portion of these men in the ranks of the invaders?

Answer. Yes, sir; and I saw them the next day with their swords and arms.

Question. That they had received from these invaders?

Answer. I do not know whether they had received them, or whether they were their own; but they were part and portion of the forces of

Question. That is, they became part of the forces the next day?

Answer. Immediately. I understood that the whole of them, with a few exceptions, had offered their services at once, and had been accepted.

Question. Did those invading forces march through the yard?

Answer. Yes, sir; they came in at the gate, went round and posted sentinels in every direction, relieved the watchmen of the yard employed by the United States government, superseded them, and kept a very vigilant lookout. I did not go out at all that day, or the succeeding day, which was the Sabbath; but some time on Monday, I cannot say whether it was in the morning or a little later; I saw the same old watchmen that had been employed by the government at their old stands, keeping the time and striking the bells, just as if no change had taken place.

Question. They were in the service of Florida then?

Answer. Yes, sir, in the service of Florida; their troops they had marched off, I believe, to Barrancas; they had taken possession of the marine barracks, and had quite a strong force there, as I heard; I did not see that; whether it was Monday or Tuesday I cannot say; but the bell rang for the workingmen at the yard about the usual hour that it was done by the government of the United States; I saw the smoke going up from the tall chimney of the machine shop and blacksmith shop just as usual, as though nothing had transpired; and the mechanics and those that had been employed by the government had just transferred their allegiance to Florida, and were going on with their work as usual.

Question. It is not probable they will look to the United States for their pay in the future, is it?

Answer. Heaven knows, sir; I should judge not.

Question. What were those signal books that you destroyed? You need not state particularly.

Answer. At sea, to provide against capture; they always keep their signal books leaded. They are signals and telegraphs to ships of the squadron, with all their private numbers; each ship is supplied with one, the outside covering of which is sheet lead with canvas over it, so that, in event of capture, you can throw it right overboard, and it will sink down like a brickbat.

Question. In other words, there are secrets in those books which it is the highest duty of the commander to destroy; and that was the reason that you destroyed them?

Answer. Yes, sir; I did not want the signal books of the service to get into the hands of what we might consider our enemies; because if they had those signal books they might take them on board of any vessel and deceive some vessel of the United States, signalize them, and decoy them into trouble.

Question. Do you know what time Captain Randolph resigned?

Answer. Well, sir, I heard that he had resigned some three or four weeks ago; he told me he had resigned; I told him I had heard that he had resigned, and was sorry to see him there.

Question. He represented himself as a commissioner on the part of Alabama?

Answer. No, sir, of Florida.

Question. He does not reside in Florida, does he?

Answer. I do not know where he resides; it is said that he resides in Alabama; I had not seen him probably for thirty years; I knew him when we were both lieutenants.

Question. How old a man is he?

Answer. I should think he was a man maybe a little younger than myself; I am 67, and he may be, probably, 65 years old.

Question. You do not know what time Commander Farrand resigned?

Answer. I do not; but he told me that he was compelled to resign or give up his property that he had accumulated; I had no advice to give any gentleman; many came to me, I said, "Gentlemen, all my functions have ceased; I have no advice to give to any man; every man must act from his own impulse."

Question. Did any of the other officers resign except Farrand and Renshaw?

Answer. The old sailingmaster—quite an old man—he must be some 72 or 3 or 4 years of age; he was there with a large family.

Question. Is his name Pierson?

Answer. Pierson, yes, sir; he came to me and told me that they were urging him to resign; said he, "I don't want to resign until the 4th of March;" said he, "if, by the 4th of March, things don't turn out peaceably, and if a restoration of good feeling is not restored, I will send in my resignation;" but afterwards he told me that he was compelled to resign; that they had pushed him so that he was turned out of his house in the yard; he had no property except, perhaps, some two or three little shanties out in Warrington, and probably some two or three slaves; I told him I had no advice to give him at all; I was sorry for his circumstances, but he said they had compelled him to pursue that course, and resign, very much against his inclination; I felt very sensibly for the old gentleman, for he was a very excellent, worthy, pleasant, kind old man, and did his duty to the best of his ability.

Question. Did you ever have any intimation or suspicion that any of the officers or men, marines or mechanics, were disloyal prior to the surrender?

Answer. Never.

Question. Never suspected anything of the kind?

Answer. Never suspected anything of the kind; it was only after the surrender that I found I was surrounded by traitors.

Question. You had no doubt of it after that, from their actions?

Answer. From their actions, no, sir.

Question. You stated that from what you could gather, and from what you saw of the course that the men took, not more than one out of twenty were really loyal?

Answer. The feeling shown there was more universal, I think, than anything I had ever seen or witnessed before. The very men who had been in the government employ for years and years, and had accumulated their property from the government of the United States, appeared to be the very first men to volunteer to go right in with the other forces.

Question. Did Commander Farrand seem quite willing to embark in that service?

Answer. Well, he appeared to be perfectly at home with the whole of them. But I had a such a respect and esteem for the man that I even then could not think that he could possibly be a traitor. And I am not entirely satisfied now, even after what I have heard since I have been here, that he is so, because I had formed a very exalted opinion of the man. He carried out my orders effectually, so far as I know; he was the executive officer of the yard, the one to whom I gave all orders, and from whom I received pretty much all communications about the duties of the yard.

Question. Can you give any idea of the amount of property of the United States that was surrendered, or was involved in this surrender or capitulation, exclusive of the real estate, that is, personal property, including arms and machinery?

Answer. I only know this fact from the naval storekeeper, Gonzales, whom I knew to be a secessionist, because he did not make any bones in expressing his opinion.

Question. That is, you knew before that he was a secessionist?

Answer. Yes, sir, I knew it before. He was a Pensacolian, born and raised there, of a very numerous family. I am told there are ninety men named Gonzales in and near Pensacola, all connexions of one family. One day I said to my secretary: "Mr. Shippey, what do you suppose is the amount of the property in the hands of the storekeeper?" "Why," said he, "Mr. Gonzales says there is about $500,000 worth on his books." He is charged with all the things in his charge. That is all that I know as to the value of the property, what I heard on that occasion.

Question. You had heard it estimated at $500,000?

Answer. Yes, sir.

Question. You had no personal knowledge of the amount?

Answer. No, sir.

Question. What amount of arms were there?

Answer. I cannot say. I understood that, with the exception of a few dozen muskets and pistols, the arms had all been boxed up for the purpose of being sent on north, either for repairs or something else; I did not know the purpose. That intelligence I got from Commander Farrand.

Question. Were there any mounted cannon?

Answer. No, sir. There was a parcel of old guns—I think they were carronades—that were arranged along on skids, called the saluting battery; merely to fire blank cartridges. There was not a gun there that probably would not have been thrown off its stand by putting in a shot and firing it. The navy yard is not a fortified place. It is merely for the protection of the articles within it. It has watchmen and sentinels stationed all around the yard for the protection of government property.

Question. What vessels were lying there at the time?

Answer. The Wyandotte and Supply had been sent down to Fort Pickens—the Wyandotte towed the Supply down—to supply the fort with such provisions as it required.

Question. The Wyandotte towed the Supply down for that purpose?

Answer. Yes, sir; and the Wyandotte was employed in transporting all the munitions of war and everything of that kind that belonged to Barrancas over to Fort Pickens.

Question. On the 12th of January?

Answer. Yes, sir; when that surrender was made they were then down there.

Question. Were they under orders at the time to sail?

Answer. No, sir; they were in preparation. The Supply had been sent there for supplies for the home squadron at Vera Cruz. Many of those supplies had been collected and were ready for shipment when this transpired, but had not been embarked. She came there loaded with sand ballast. The people there had not received any pay for more than two months. The owners of the slaves had withdrawn them, and we could get few or no men to work. I wanted to expedite the departure of this vessel, and hurried matters all I could, and even violated the Sabbath in one instance in order to expedite her movements. We eventually got her clear, and she commenced coaling. She probably had got in from 300 to 400 tons of coal. She had the provisions on board that came in her from Vera Cruz. We had a vessel alongside of her to finish her coaling. I expected she would have completed her coaling and taken her supplies on board for the squadron, so that I could despatch her immediately; but she had not fulfilled the purpose for which she came, and so was still there.

Question. Had any orders been given for her to sail?

Answer. Oh! no, sir.

Question. Where is she now?

Answer. I saw her as we came out the afternoon of the 16th in the steamer Oregon. I saw the Wyandotte towing the Supply out to sea. That was the afternoon of the 16th. I recognized them both with the naked eye.

Question. Under the regulations of the navy, can a vessel sail without an order?

Answer. She had orders, which I think I delivered the same morning that this took place—Saturday morning. There was this preparation and secrecy about that I was fearful there was something in operation, and I ordered her, if anything happened to the yard, to proceed with what she had.

Question. That is, she had a sort of contingent order, that if anything happened to the yard she might sail?

Answer. Yes, sir; that she would proceed with what she had.

Question. And that would be treated as a sufficient order for her to go?

Answer. Yes, sir.

Question. And when the Wyandotte was towing the Supply out to sea she was undoubtedly acting upon this contingent order?

Answer. Yes, sir. One of the orders was to land the provisions that were required at Fort Pickens with all possible despatch and return to her anchorage. And the next order was, that in the event of an attack or anything happening to the yard, she must proceed with

what she had. As well as I can recollect, I think that was the order that was given.

Question. These orders, you think, were given on Saturday morning?

Answer. I think so, but I will not be positive. I had been watching matters a great deal. I do not believe I had got an hour's sleep out of the twenty-four for some days and nights previous to this. It was so recently that I had come there. I only assumed command there on the 30th of last October, and had hardly got the names of the master workmen before this thing occurred; so I was completely in the dark.

Question. Will you state whether you received any instructions or advice from Washington advising you that there would be danger? Had you received any orders recently directing vigilance, or anything of the kind?

Answer. I received a letter from the Navy Department directing me to be vigilant in protecting the public property; that the officer in command at Barrancas had instructions from that branch of the service, and that I would co-operate with him.

Question. In protecting the public property?

Answer. In whatever it was; that was the only instructions.

Question. At what time did you receive this order?

Answer. I think it was on the 9th that the order was acknowledged?

Question. That is, acknowledged by you?

Answer. Yes, sir; by me. I think it was on the 9th.

Question. You mean that was the time you received it.

Answer. Yes, sir.

Question. Was any extraordinary efforts used after that time for the defence of the yard?

Answer. We had only the marines and the watchmen to protect the place.

Question. Did you increase the watchmen?

Answer. No, sir; I did not increase the watchmen, because there were only so many allowed in the yard. But in co-operating with the commandant of the fort, I sent thirty of what are called the ordinary men; I had no officer to send him.

Question. That was Lieutenant Slemmer?

Answer. Yes, sir.

Question. Who is now in charge of Fort Pickens?

Answer. Yes, sir; I sent him thirty men and thirty muskets.

Question. By those concurrent orders from the War and Navy Departments to Lieutenant Slemmer and yourself the operations all became one thing to some extent, at least so far as protecting the public property was concerned?

Answer. Yes, sir; in co-operation. I co-operated with him all I could. I could not abandon the navy yard. He wanted the marines, but the marines were my only protection. I sent him the ordinary men, and kept the marines for my only defence, because I had no others there, except, perhaps, those sixteen watchmen allowed to the yard.

Question. The storeship Supply was sent to transfer the supplies from Fort Barrancas to Fort Pickens by your orders?

Answer. No, sir; the Wyandotte was sent over to supply the people in the fort.

Question. How far is Fort Pickens from the yard?

Answer. I should judge something like three miles, perhaps a fraction more or less.

Question. What is Lieutenant Slemmer's entire force there now?

Answer. It is eighty-odd or ninety men, somewhere along there.

Question. Have you reason to suppose that these same troops will make a demonstration upon that fort.

Answer. I cannot say whether they will or not. Colonel Chase was the engineer that built Fort Pickens.

Question. He is now in the Florida forces?

Answer. He is commander-in-chief of West Florida, and those operations were under his supervision.

Question. He is the man that built that fort?

Answer. Yes, sir. The day that I left I heard that there had been a council of war of the superior officers, at which Colonel Chase presided; and that he had said that he would not attempt to make an assault upon Fort Pickens with less than 5,000 men; and that one of the officers told him he was a damned coward—just in those very words. Colonel Chase said that he would resign sooner than make an attack that would be futile; that he knew the strength of the place, and that there was only one part of it where it could be carried.

Question. Are you well acquainted with the strength of the place?

Answer. I am not; I have never been in either of the forts; I only know from reputation.

Question. This Lieutenant Slemmer is esteemed as a gallant, trusty officer?

Answer. Yes, sir; I should think that he was a very gallant and a very capable man.

Question. Did he impress you favorably by the energy with which he removed his troops from Fort Barrancas over to Fort Pickens?

Answer. Yes, sir; I thought he was a very energetic, active officer.

Question. You say you got no information from any of your subordinate officers the night before the surrender that those troops were on their way to demand a surrender?

Answer. No, sir.

Question. You knew nothing about it until they were at the gate?

Answer. Nothing, until I heard of them at the gate. I heard that there was a large force collecting at Pensacola.

Question. You did not know for what purpose?

Answer. I could not tell for what purpose?

Question. Have you any reason to know, from what has occurred since, that any of your subordinate officers knew what their purpose was?

Answer. If they did know they did not communicate it to me?

Question. Have you found out since whether Farrand did or did not know it?

Answer. I do not know it personally; and I do not think it possible that it could be so. But I have heard others say it was so. That I have heard since I have been here.

Question. And you had heard that this naval storekeeper, Gonzales, knew?

Answer. Since I have been here I have heard that he was up and down every day.

Question. But you did not hear it before?

Answer. No, sir. I did not hear it until after the surrender.

Question. Previous to the surrender, had you heard him say anything about secession?

Answer I knew he was a secessionist; and when the men were at the gate he had his resignation in his hand for me to forward.

Question. Who? Gonzales?

Answer. Yes, sir.

Question. Did you forward it?

Answer. Yes, sir. I went through the usual form: "By your obedient servant, James Armstrong, commanding."

Question. This was after the surrender?

Answer. No, sir; before.

Question. He resigned before the surrender?

Answer. Yes, sir.

Question. You do not know what time Farrand resigned?

Answer. No, sir. I could not tell. He only told me that he was obliged to resign.

Question. How could he communicate his resignation?

Answer. By telegraph, I presume.

Question. Ought he not to have communicated it through his superior officer?

Answer. We had surrendered then.

Question. And he had no superior?

Answer. No, sir.

Question. And he acted on his own responsibility?

Answer. Yes, sir.

Question. You did not communicate either the resignation of Farrand or Renshaw?

Answer. No, sir.

Question. You do not know when they resigned?

Answer. No, sir.

Question. Under the regulations of the Navy Department, would the Secretary of the Navy accept a resignation by telegraph, or would he wait for it to be received by mail?

Answer. I do not know what course the department would take.

Question. What is the general course of the service?

Answer. The general course of the service would be to send them through me, as commandant, to the Navy Department; forwarded by me. And whatever the result of the matter was would be communicated to those various persons through me.

Question. So that, in ordinary times, if a subordinate naval officer

wished to resign, they would scarcely act upon it at the Navy Department until it had been communicated by the superior officer, and had been received by mail?

Answer. No, sir; and all communications to the department must be made through the commandant of the yard; but you see there was no superior officer after the flag had been hauled down.

Question. What I am trying to get at, if you will pardon me for a moment, is this: I want to get at the regular way of communicating resignations, and having them acted upon at the department, when there is no especial trouble. Suppose you had had no demand for surrender, and there had been no surrender of any kind, and Mr. Farrand wished to resign, he would have put his resignation in your hands, the same as Gonzales did his.

Answer. Yes, sir.

Question. And you would have forwarded it by mail?

Answer. I would have indorsed it, "forwarded by your obedient servant," &c., and sent it by mail to the department, and the decision of the department would be enclosed to me.

Question. And you would have handed it to him?

Answer. Yes, sir.

Question. And then, if it had been accepted, he would have been clear?

Answer. Yes, sir.

Question. Would you not consider it very irregular, if not treasonable, for an officer to go over to the enemy before he had received, in some such way, or direct from the department, the acceptance of his resignation?

Answer. Yes, sir. I should consider it high treason.

Question. Could it be possible that Mr. Farrand's resignation could have been communicated to and accepted by the department by telegraph?

Answer. I know nothing about it.

Question. You do not know whether he communicated his resignation to the department at all or not?

Answer. I did hear from him that he must resign.

Question. But you did not hear that he did?

Answer. No, sir; but that he should telegraph, or did telegraph, his resignation; but he never told me that it was accepted, or anything at all about it.

Question. You remained in your quarters in the yard u. he 16th?

Answer. Yes, sir. I saw nobody at all. I was there alone with my family, and the servants I had hired.

Question. Do you know that Farrand did commence service in any shape with these Florida troops?

Answer. I only know by what I could see, that he was very busy. What his activity was about I could not tell.

Question. He was busy with them?

Answer. Yes, sir. He appeared to be driving about with them. It was no service of mine.

Question. I understand that; but from all you saw, and all that

you know about what transpired before you left, he had actively embarked in their service?

Answer. Well, sir, if I was to judge from appearances, I should say that he had.

Question. That he had embarked in the Florida service?

Answer. Yes, sir.

Question. Would you make the same remark in regard to Renshaw?

Answer. I could draw no kind of distinction. Renshaw was a noisy, boisterous fellow, that I had no intercourse with at all. He went to work with them, according to appearances.

Question. He appeared to act with them?

Answer. He appeared to be with them, and to take an active part with them. And another fact: at the time of the surrender I heard him conversing with some one—some one of the commissioners, probably—and saying that all his interests were centred there; and I heard him, furthermore, remark that if they could get the Supply and the ordinary men back from the fort it would be a great thing for them. And I was asked if I could not surrender the Supply, and get these men returned. I said, "Gentlemen, I am not on duty here; I am a prisoner of war."

Question. That is, Renshaw asked you if you could not get them back?

Answer. It was he that asked me, or some one else, perhaps one of the commissioners. It might have been Renshaw; I could not say positively; but I heard the question put to me, as to whether they could not get the ordinary men back from the fort.

Question. This question was put to you when Renshaw and the commissioners were together, and either Renshaw or one of the commissioners put the question to you?

Answer. Yes, sir.

Question. So that if he did not put it himself, he indorsed it, at least, by his silence?

Answer. It was either one or the other.

Question. Either Renshaw or the commissioners?

Answer. Yes, sir. I told them they were beyond my jurisdiction.

Question. Now, on this subject of prisoners of war, how were the marines, and Captain Watson, and yourself, and the other officers that did not go over to these forces—that remained true to the United States, as you considered it—how were they treated? As regular prisoners of war in all respects?

Answer. Yes, sir; they set me at large, if you please, on honor.

Question. On your parole of honor?

Answer. Well, sir, as I went down to go on board of the steamer, they sent me a parole.

Question. They sent it to you?

Answer. Yes, sir. I did not look at it. Somebody told me it was such a paper—a parole. I put it in my pocket without looking at it, and did not look at it until somebody—I think it was Dr. Bishop—asked me if I had such a paper.

Question. On your way here?

Answer. Yes, sir; while I was on my way to Mobile or here. He asked me if I had such a paper, and he took it and compared it with his, and said they were both exactly alike.

Question. That yours was like his?

Answer. Yes, sir.

Question. Did Captain Watson, of the marines, have one of them?

Answer. I cannot say.

By Mr. COCHRANE:

Question. Do you consider the terms of that parole obligatory?

Answer. I do not know that it is.

Question. You were not a party to it more than receiving it?

Answer. No, sir. The terms of the capitulation were, that the citizens of the United States—the officers and citizens who were included in this capitulation—should be free to return to the United States with their property and their families, and they were permitted also to remain there on their parole of honor.

Question. Those were the terms of the capitulation?

Answer. Yes, sir.

Question. That is, they would be free to go to any part of the United States with their families and property, or they could remain there on parole?

Answer. Yes, sir.

Question. Then you made no formal parole any further than to receive this paper?

Answer. That was all.

Question. And that was put in your hands after you went on the boat to come away?

Answer. Either while I was on the wharf or on the boat.

Question. Who gave it to you?

Answer. That I do not recollect. It was handed to me, and I was told what it was.

Question. By whom is it signed?

Answer. By V. M. Randolph, as one of the commissioners, or as commandant of the yard.

Question. Using one of his titles?

Answer. I think it is "commandant of the yard."

Question. You think he does not enumerate both his offices?

Answer. I think not.

Question. Where have the marines of the yard gone?

Answer. They were embarked on board the Supply.

Question. For Vera Cruz?

Answer. The officer who was in command of the Supply, after he had gone outside, came in under a flag of truce, when I had no longer authority over it. The young man, Lieut. Daniels, of the Supply, I think, came to my house without my knowledge. When he came in, I looked at him and said, "Good heaven! what are you doing here? I am a prisoner, and I suppose you are, too" He said, "No, sir; I came in under a flag of truce." And then he put his hand in his pocket as if to hand me some communication. I told him, "No; my functions here have ceased." And the captain came ashore, and wanted to see

me, and wanted to make some explanation. I said, "No; no communication, if you please; I have no control here over you; you have received the last orders from me, and you must now act upon your own responsibility." He said he thought it would be an act of humanity to come there and take the officers, and the women and children, and the marines on to the north. Said I, "Very well; you must take that to the department. It is possible that for this act of humanity you may get the thanks of the department. But I have no control over you; I have nothing to say."

By the CHAIRMAN:

Question. Did you at any time, from the 12th, the day of the surrender, and the 16th, the day that you left, receive any orders from the department here relative to the men?

Answer. I received nothing. But on Monday, the 14th, I think, a young officer, an ordnance officer, the son of an old friend of mine, Lieutenant Sanders, was brought in under a guard of two persons; one was one of the Gonzales, with his sword and with his spurs on.

Question. This same Gonzales?

Answer. No, sir; another one, who was a military man. I happened to be sitting in my office, having some copies made of some letters, &c., that I wanted to bring with me, and this young man, this Mr. Sanders, was brought in. Said he, "Commodore Armstrong, I have been captured; I have some despatches for you from the Navy Department." I said, "I am very sorry you did not destroy them when you heard that the navy yard was surrendered." He said that he had heard of that when he was halfway between Montgomery and Pensacola, and he hoped he might get to Pensacola and see me and hand me the despatches. I told him that I was very sorry he had not destroyed them. He said that Major Chase had asked him to deliver them to him, and he had told him that he could not surrender them up to anybody but me; that he must put them in my hands, or they would have to wrest them from him; and that he had granted him the permission to come down there and place them in my hands. I said to him, "You are placing me in another horrible position; here they can take them from you or me by force; see the position I am placed in. These men have brought you here a prisoner to me, a prisoner. I can receive these things from your hands, but they can take them from me." Said Randolph, "We have the force to do it, and we must do it; if we can wrench them from you, we must have them." Then I said, "Mr. Sanders, in order that you may fulfil your orders, I will take them and give you a receipt for them, which will be witnessed here." He took them out of his bosom and handed them to me. I saw they were from the Navy Department; but without my breaking the seal, they were demanded from me and taken possession of.

Question. So that you know nothing of them?

Answer. No, sir, and probably never will, unless they think proper to communicate them to me hereafter.

Question. Was any force used to take them from you?

Answer. It was ready to be used. Those men, with their arms, were standing there.

Question. Were the seals broken in your presence?

Answer. No, sir; but it was a very trying situation.

By Mr. COCHRANE:

Question. What were the terms of that parole that was sent to you, and received by you?

Answer. Here it is, [producing the paper.]

It was read as follows:

"PENSACOLA NAVY YARD, *January* 16, 1861.

"Commodore James Armstrong, of the United States navy, having given his parole of honor not to bear arms against the State of Florida, is permitted to leave this place, with his family and private property, without hindrance or molestation.

"V. M. RANDOLPH,
"*Captain Commanding Navy Yard.*"

Question. This is the paper you received?

Answer. Yes, sir.

Question. On what day did you receive this?

Answer. On the afternoon of the 16th, just as I was leaving in the steamer for Mobile.

Question. Is it true that you had then given your parole of honor not to bear arms against the State of Florida?

Answer. I had not. That was sent to me in that form, as you see it.

Question. Then it is not true what is recited here?

Answer. No, sir. It was taken for granted by him—assumed by him.

Question. Was that fact mentioned to you when the paper was delivered to you?

Answer. No, sir.

Question. Had you any reason to suppose that that fact was stated in the paper which you received?

Answer. I did not know what it was. I never had seen it. I was ignorant of what it contained. I was told that it was a passport to take me along unmolested.

Question. Was anything said to you by the person who delivered it to you, from which you could possibly infer that there was any statement within it that you had given your parole?

Answer. I could not tell, because I did not know what there was in it. I did not look at it.

Question. When was it that you first looked at it?

Answer. I think it was at the time or after Dr. Bishop asked me if I had something of that kind, and I said I had received a paper.

Question. Where was that, and when?

Answer. I am not certain whether it was on board the steamer on

the way to Mobile, or afterwards; I know he came to me afterwards, and said they were worded exactly alike.

Question. When the fact was brought to your attention that this was the language of this paper, what, if any, commentary did you make upon that fact?

Answer. None at all; I thought it was a thing of no importance—no more than a piece of waste paper; but as I had it I thought I would keep it just as a reference.

Question. Is there any honorable obligation on you, in any degree, not to serve in behalf of the United States against any enemies or opponents whatever?

Answer. No, sir; I do not feel myself bound in any particular, no further than the capitulation.

Question. The terms of which you have stated.

Answer. Yes, sir; I have never entered into any arrangement, pledge, or promise in regard to parole; it is all on their part; I have the capitulation here.

It was read as follows:

"This is to certify that Commodore James Armstrong, of the United States navy, surrendered the command and relinquished the possession of the navy yard at Warrington, Florida, on the 12th day of January, 1861, under the following circumstances, and upon the following terms of capitulation, to wit:

"A commission, under authority of the governor of Florida, accompanied by an armed force very much superior in numbers and equipments to that under his command, the latter not being sufficient to enable him to defend the place, demanded its immediate surrender, with all the public property therein, which demand was acceded to with the understanding that he, the commandant, with all the officers and other citizens of the United States attached to the station who desire to remove therefrom, shall be freely permitted to do so, and to remove their families and all their private property at any time, or to remain on parole of honor.

"In witness whereof, we, the commissioners, and the commandant above referred to, have hereunto set our hands this 12th day of January, 1861.

"V. M. RANDOLPH,
"Captain of Navy Yard,
"RICHARD L. CAMPBELL,
"Commissioners.
"JAMES ARMSTRONG,
"Captain of United States Navy."

The WITNESS. There is no pledge on my part there.

By Mr. COCHRANE:

Question. At what time and place was this given—this capitulation signed and delivered by you?

Answer. It was Saturday afternoon when we capitulated.

Question. At what place in the navy yard?

Answer. In the commandant's office.

Question. Where these gentlemen had come to have this interview with you?

Answer. Yes, sir.

Question. You conversed then on these matters?

Answer. Yes, sir.

Question. And having settled the terms of surrender, they were reduced to writing?

Answer. Yes, sir.

Question. Are the facts correct as recited there respecting the relative force of yourself and the hostile attacking force?

Answer. Yes, sir.

Question. Had you arrived at that conclusion before that paper was offered to you?

Answer. I was certainly of the opinion that I could not withstand the force of 500 or 600 men with 23 men.

Question. At whose suggestion was that paper drawn up?

Answer. At mine.

Question. Who wrote it?

Answer. My secretary.

Question. At whose dictation?

Answer. Well, there was a combined one between my secretary and myself, and it was approved by the commissioners.

Question. The commissioners were not consulted about its terms until it was finished?

Answer. No, sir.

Question. And then they approved of it?

Answer. Yes, sir.

Question. And they affixed their signatures to it, and you affixed yours?

Answer. Yes, sir; I put mine to it; there are duplicates.

Question. Then the signatures to these papers was at your request?

Answer. Of course; I wanted something to show for what I had done.

Question. You wanted something with which to defend yourself?

Answer. Yes, sir.

Question. Was there anything further said about parole, in conversation, other than what is there stated?

Answer. Not a word.

Question. Did you hear anything about the parole; anything more from that period down to the period when you received the parole?

Answer. I had heard nothing about my parole; I had heard that the officers who wanted to leave the yard were not permitted to pass out until they got a permit from the officer in charge there to pass out. They were detained until he gave a permit for them to pass out.

Question. Had you heard anything of your personal parole during the time from the making the terms of capitulation and the receipt by you of this parole?

Answer. No, sir; I had no expectation of receiving anything; this was a voluntary act on his part, for I would not give a cent for the parole.

Question. And you did not consider yourself under any obligation by the terms of the parole?

Answer. No, sir; nor by the terms of capitulation either; I was a prisoner of war, and was not asked to sign the parole.

Question. You considered then, at that time, that you acted under the power of superior force?

Answer. O! my dear sir, I had 23 men, and they had 500.

Question. That was your consideration that you acted under force of superior power?

Answer. Yes, sir.

Question. And the capitulation you considered as having been given under duress of superior force?

Answer. Yes, sir.

Question. And the other paper you yourself never considered, at any time, obligated you in any way?

Answer. I never considered myself bound in any way.

Question. Have these papers been brought to the attention of the Secretary of the Navy?

Answer. Yes, sir; they have.

Question. When?

Answer. To-day.

Question. For the first time?

Answer. No, sir; I submitted all my papers—all that I brought with me; the copies, of course, are filed on the yard books, pasted on the blank leaves left in the books for that purpose. I had these copies made after I was a prisoner. I requested my secretary, the chief clerk, to make me copies of all the papers of recent date; and he made them out for me in this form, [showing a bundle of papers.]

Question. When was the attention of the Secretary first directed to the existence of these papers?

Answer. I telegraphed—communicated to the department—but my despatches were not permitted to pass. They had taken possession of the telegraph and the post office, as I was told, some time before. I was, I think, six days at one time without any communication, when I had been previously receiving 2, 3, 4, 5, or 6 a day from the different bureaus, and I came to the conclusion that there was something wrong; and when I sent my despatch to the telegraph office, announcing to the department the facts, and that I wanted to be communicated with immediately, and when I did that, those at the telegraph office would take them, tear them open, and read them, and pass them from one to another; and they would send them or not, as they chose.

Question. Was this before you surrendered the yard?

Answer. Yes, sir; and afterwards, too.

Question. Then all your communications by telegraph with the department were interrupted in that way?

Answer. Yes, sir.

Question. Did you receive any communication by telegraph from the department before the surrender?

Answer. O! before the surrender, I think I had received some communication to some person—Lieutenant Stribling, I think—with

the acceptance of his resignation; and a communication to the Crusader.

Question. How long was it before the surrender that these despatches were received?

Answer. It must have been but a short time; I cannot say how many days.

Question. About how many?

Answer. Probably two or three days.

Question. Were these the last communications you received from the department by telegraph?

Answer. Yes, sir; I think so.

Question. Had you sent any by mail to the department?

Answer. Yes, sir.

Question. Had you reason to believe that they were allowed to go?

Answer. I had reason to believe that they did not.

Question. Did you receive any from the department by mail?

Answer. I received one of the 3d of January, which I think was the last, and the receipt of it was acknowledged on the 9th.

Question. Now, as to the time after the surrender—were you permitted to send or receive any telegraphic despatches from or to the department?

Answer. I sent one to the Secretary of the Navy, announcing the surrender of the navy yard to the Florida forces; whether it was received here or not, I do not know.

By the CHAIRMAN:

Question. Do you remember what day you sent that?

Answer. On the 12th.

By Mr. COCHRANE:

Question. You received no reply to it?

Answer. No, sir.

Question. Did you send any communication by mail after the surrender?

Answer. I think I did.

Question. Have you any reason to know whether that went upon its course?

Answer. I cannot say. I do not know.

Question. Did you receive any by mail from the department after the surrender?

Answer. No, sir.

Question. When did you arrive here?

Answer. On Wednesday morning, about 6 o'clock.

Question. When did you have your first interview with the Secretary of the Navy?

Answer. On the same day I arrived.

Question. When was it that you first exhibited to him these papers?

Answer. Immediately on my arrival.

Question. Had he known of the existence of these papers, or the contents of them, before that time that you know of?

Answer. Not to my knowledge.

Question. You then communicated them to him for the first time?
Answer. I laid them before him.
Question. For the first time?
Answer. Yes, sir.
Question. And you are now in attendance upon the department in respect to that very transaction?
Answer. Yes, sir.
Mr. COCHRANE. Then I will forbear asking you any more questions about this until that is settled.
The WITNESS. I came along, night and day, by steamboat, to Montgomery, and there I took the cars and came direct through to Washington without stopping.
[The examination was then suspended.]

SATURDAY, *January* 26, 1861.

JAMES ARMSTRONG—examination resumed.

By Mr. DAWES:

Question. What time in the day of Saturday, the 12th instant, did you communicate to the department here the fact of your surrender?
Answer. I think it might have been some 4 or 5 o'clock in the afternoon.
Question. Does the telegraph reach to the navy yard?
Answer. No, sir; the despatch has to be sent up to Pensacola, a distance by land of some seven or eight miles.
Question. Your communication was by telegraph?
Answer. Yes, sir.
Question. In what manner did you get your message to Pensacola?
Answer. We always had a man to carry them up on a mule to the operator—a man despatched expressly for that purpose.
Question. Had you on this occasion?
Answer. I cannot tell; I had then no authority to order any one.
Question. What did you yourself do with the despatch?
Answer. I gave it to my secretary, and directed him to have it sent up. When it went up, the man who carried it up reported to Mr. Shippey, my secretary, that the committee there took it and tore it open and handed it around. It was not received by the telegraph man himself, because the committee had taken possession of the telegraph office, and would allow nothing to pass except through their own hands; and the man could not tell whether it went or not.
Question. Did you send any other message?
Answer. Not on that occasion.
Question. Did you make any effort to send any other message?
Answer. I had not the means; I had no power to do so.
Question. Did you make the attempt?
Answer. That was the only communication I could make.
Question. Did you make any request of any one to permit you to send a special message?
Answer. I did not.
Question. Did you send a message by mail?

Answer. I am not positive whether I did or not.

Question. Did you communicate in this message anything in reference to the conduct of any of your sub ordinates?

Answer. I did not, sir, to my recollection.

Question. Have you ever communicated to the department any such information?

Answer. I think not; I am not positive as to that.

Question. I do not know but you answered this question yesterday; I do not remember; but I will venture to put it over again, if you did. When did you first have any instructions, from any quarter, that there was contemplated by anybody an attack upon the navy yard?

Answer. Why, sir, I knew nothing about the attack until they were upon me; I knew there were forces collecting up at Pensacola.

Question. When did you first learn, from rumor or otherwise, that the attacking the navy yard was talked of?

Answer. Well, sir, I do not recollect that I had heard particularly of it. There might have been rumors or reports, but I knew nothing of the fact of their coming until they were at the gate.

Question. I did not inquire if you knew of the fact of their being there before they got there. I wanted to know if you had heard rumors that they intended to come there?

Answer. I heard that there were troops collecting up at Pensacola.

Question. When did you first hear of that?

Answer. It might have been several days before.

Question. Can you recollect now how long it was before the attack that you heard that troops were collecting at Pensacola?

Answer. It might have been two, three, or four days; I do not recollect particularly.

Question. You received, on the 9th, despatches from the department to be vigilant in protecting the public property?

Answer. Yes, sir.

Question. Did you make any communication to the department of the condition of the public property there after you received these despatches?

Answer. No, sir, I think not; because the department knew as well I did its condition.

Question. The department had already been made acquainted with the condition of it?

Answer. The department knows the condition of each yard as well as the officer that commands it.

Question Did you make any representation to the department that it would be impossible for you to defend the yard against any attack?

Answer. I had no intimation that it was to be defended, or anything about it, until I received this letter.

Question. When you received this despatch you had some intimation, did you not, that there was some occasion for your being vigilant?

Answer. Yes, sir; I knew it. I had been equally vigilant all the time previous, except that I did not sleep with my clothes on. I knew there was trouble.

Question. Do you mean to say that you had no intimation that an

attack upon the yard was contemplated before the forces appeared at the gate?

Answer. How could I know it? Nobody came to tell me that they were coming to attack the yard.

Question. Did no one tell you the evening before?

Answer. No, sir.

Question. Did you receive any communication during the night before from the ship Supply or the Wyandotte?

Answer. I do not know how they got their information; but the night before the lieutenant of the Supply came up to my house and stated to me that he had been down to Fort McRae, and had destroyed, I think he said, about 10,000 pounds of powder, and cut up all the rope, destroyed the rigging, ropes, blocks, &c., and everything that he could find, and had come to report it to me. I told him that I had given no orders to destroy anything, and asked him how he came to do it; he said he destroyed it at the request of Lieutenant Slemmer. "Very well," said I, "I have nothing to do with it, make your report to him; I have no instructions to destroy the powder or anything else in the forts; my business is here at the yard." He offered at the same time to destroy all the powder in the magazine that night. I told him I had no instructions to destroy it.

Question. What reason, if any, did he offer for his having destroyed this powder and other property?

Answer. He gave no reason, except that he was instructed or requested by Lieutenant Slemmer to go and destroy it.

Question. When he offered to destroy the powder in the magazine connected with the navy yard, did he give any reason why there was propriety in destroying it?

Answer. No, sir.

Question. Did he intimate that he or anybody was apprehensive that there would be an attack upon the yard?

Answer. He must have come to that conclusion.

Question. Did you inquire of him why he wanted to destroy the powder in the magazine?

Answer. He wanted to put it, he said, out of the power of the troops at Pensacola, if they should make an attack, to get these munitions of war; I came to that conclusion

Question. Would it have been the part of a good commander there to put this property out of the reach of a hostile force?

Answer. I do not know whether it would or not I am a man who always obeys orders. I have always obeyed instructions. I never assume a power not delegated to me.

Question. Would you have felt at liberty the night before to have destroyed the powder in the magazine if you had known then that you would be attacked at noon the next day by a superior hostile force?

Answer. I do not think I should.

Question. Do you make the same answer in reference to any or all the property in the navy yard?

Answer. Yes, sir. It is not my province to destroy property, but to preserve it.

Question. Would you have felt at liberty, if you had known the

night before that you were to be attacked the next day at noon by a superior force, to spike the guns in the navy yard?

Answer. No, sir; even if I had had them to spike; but I had none to spike.

Question. I was supposing if you had them.

Answer. No, sir; I should not.

Question. Did your orders that you received on the 9th forbid your doing any such thing?

Answer. My orders were to be vigilant in protecting the public property. Vigilant is to be watchful, careful, to look out carefully for the property.

Question. So I understand it. I wanted to know what the nature of the instructions were? You told us yesterday that you suspected one of your officers, even while you were capitulating, to be a traitor?

Answer. Yes, sir.

Question. And that he intimated to you, after the surrender, that he should resign?

Answer. Yes, sir.

Question. In making your communication to the department of your surrender under these circumstances, was it not part of your duty to communicate to the department your opinion of the conduct of your subordinates?

Answer. Well, sir, I should think it my duty to make known to the department, so far as I could do so, the conduct and deportment of the officers. But there is a great deal that I have heard since I have come here that I was unacquainted with there.

Question. You told us yesterday that you were aware that Mr. Gonzales was openly hostile to the government, and that he had been so for a long time?

Answer. That he was a secessionist.

Question. And that he asked you to forward his resignation?

Answer. Yes, sir.

Question. And you did forward it?

Answer. Yes, sir.

Question. Did you communicate to the department anything in respect to his conduct?

Answer. I did not.

Question. When did you give to the Supply and Wyandotte their orders to leave for their stations the moment that they saw the flag struck?

Answer. I think it was the night before, or early Saturday morning, that I sent these letters over to those officers—those orders.

Question. Which do you think it was, the night before or Saturday morning?

Answer. I think it was early on the morning of the 12th.

Question. Then early on the morning of the 12th you did apprehend that you might soon be compelled to strike your flag?

Answer. I could not tell.

Question. You apprehended danger?

Answer. Yes, sir.

Question. Did you take any measures to acquaint the department of that fact?

Answer. I could not send letters; the mails did not bring us any despatches, and the telegraph was in the possession of the committee.

Question. Was there nobody in the whole navy yard that you could trust with a message to the department?

Answer. There was nobody I could despatch to the department, for the officers were so few. There were the commander, lieutenant, master, gunner, boatswain, and carpenter; that I believe constituted the whole force of the officers.

Question. What did you actually do, after you received the despatches from the government, which you had not done before, in reference to the public property?

Answer. I sent the ships—the Supply and the Wyandotte—down to supply the fort with provisions. The provisions that were needed, besides those on board the Supply, I sent down to the fort from the navy yard; and I sent down thirty of the ordinary men and thirty muskets; and I directed the Wyandotte to render every aid and assistance to the commandant of the fort.

Question. What aid and assistance did you apprehend at that time there would be any need of rendering; that is, what emergency did you anticipate?

Answer. The lieutenant had had instructions from his branch of the government to do certain things, and I was directed to co-operate with him; and this co-operation of mine, I considered, was to the extent of my ability.

Question. You do not understand my question. When you gave these ships instructions to render what aid and assistance was wanted, what led you to give those instructions if you had no reason to apprehend any attack upon the public property?

Answer. My dear sir, if you come to that point, I was under deep apprehension for a long time.

Question. For how long a time?

Answer. I should think for six or eight days.

Question. During the six or eight days that you were under deep apprehension of an attack upon the public property there did you take any measures to communicate that fact to the department?

Answer. I cannot say positively whether I did or not, because I was informed that it was useless to send letters or telegraphic communications up to Pensacola, that they were all detained, and the telegraphs were not sent.

Question. Did you think you would not be justified in sending a special messenger to Washington when the telegraph and mail had both been cut off?

Answer. I had no special messenger to send. There was nobody I knew of I could send.

Question. During these six or eight days that you were under this deep apprehension did you have any conference with the commanders of the Supply and Wyandotte upon the question whether you could defend the navy yard?

Answer. Did I have any conference with them?

Question. Yes, sir.

Answer. I do not know that I did; but we must have held conversations upon the subject.

Question. Do you remember any of those conversations?

Answer. I do not, particularly; but it was the general impression that the yard could not be defended against any force.

Question. And in the conferences between you and these commanders was that the conclusion come to after talking it over?

Answer. Do you mean after mature consultation?

Question. Yes, sir.

Answer. We had none.

Question. Did you have any with the commander of Fort Pickens?

Answer. The lieutenant of Fort Pickens stated to me that he thought the navy yard must fall; that is, if they attacked it.

Question. When did he make this statement to you?

Answer. It was somewhere about the time that I received this communication of the 3d of January from the department.

Question. Before or after the communication was received?

Answer. After.

Question. Where did you have the conference with him?

Answer. It was in my office at the yard.

Question. At your request?

Answer. No, sir.

Question. At his request?

Answer. He came expressly to see me.

Question. On what subject?

Answer. On this subject.

Question. What orders, if any, did he propose?

Answer. He told me what he was doing.

Question. Did he propose any scheme in reference to force at the navy yard, or the property at the navy yard?

Answer. No, sir; all that he wanted was a force at the fort. He wanted both the Supply and the Wyandotte to assist him there at the fort.

Question. Was anything said between you and him about the marines outside the yard?

Answer. He wanted the marines; but the marines were the only reliable force that I had there.

Question. Did you confer with Captain Watson of the marines, at any time previous to the attack, upon the best method of defending the yard?

Answer. We had a conversation on the subject; I desired him to place a guard at the eastern gate, so that each gate would be protected, and he did so.

Question. When did you have that conversation with him?

Answer. I cannot tell at what particular time.

Question. About how long before the attack?

Answer. It might have been one, two, or three days; I cannot tell.

Question. Did anybody belonging to the navy yard, returning from Pensacola the evening before the attack, communicate with you?

Answer. Not to my recollection; no, sir. There was so much

moving about, and then again such a silence, that I could not get any information upon the subject. On the day that these troops came there the yard appeared to be deserted; I could not tell for what object. Nobody gave me any information; everybody about the yard knew more about what was going on than I did.

Question. You say you assumed the command there on the 30th of October last?

Answer. Yes, sir.

Question. From what position did you take the command there?

Answer. I was ordered to proceed to the Warrington navy yard and assume the command.

Question. Where had you been previous to that?

Answer. I had been at Charlestown, Massachusetts.

Question. Stationed at the navy yard there?

Answer. No, sir; living in my residence there.

Question. When had you last been in active service before?

Answer. I returned from China and India by the overland route; I left Hong Kong on the 29th of January, 1858; I was ordered home on account of my extreme sickness. Many who saw me thought I would never reach home, as I was so much diseased with the liver complaint, the pneumonia, and dysentery.

Question. When did you reach home?

Answer. I think I reached home on the 30th of April, 1858?

Question. And you have not been in active service since then?

Answer. No, sir; not until this time. I had become so diseased and sick that I could not be; I was recovering from my diseases.

Question. Who was in command there previous to your being ordered there, and up to that time?

Answer. Commodore McIntosh; he died there.

Question. When did you send forward Mr. Gonzales's resignation? On what day?

Answer. I think it was on the day of the surrender.

Question. Did you send it by mail?

Answer. It was put in the letter box.

Question. Before or after the surrender?

Answer. Oh! before. I could not forward a letter after the surrender; I was no longer then competent to do it; I could not add to my name "commandant" at all.

Question. You have already stated that you had reason to expect that you would be obliged to surrender that day; and yet, on the eve of it, you forward the resignation of an open co-operator with the hostile forces to the department, and did not communicate that fact to the department at all.

Answer. The fact would speak for itself; that, at the time that letter was forwarded, I was still in command of the yard.

Question. I know that; that is not what I mean; but you were expecting every hour to be obliged to surrender it to hostile forces with which you have stated you had very good reason to believe Gonzales was co-operating.

Answer. It was my duty to forward letters for men and all as long as I was in command, because letters could not go to the department

without my forwarding them; that was an established rule of the department.

Question. Would you consider it your duty to forward the resignation of a subordinate who had not discharged his duty properly without communicating that fact to the department at the same time?

Answer. The fact speaks for itself; I am bound to forward all communications to the department.

Question. Is it a part of your duty to communicate to the department also any falling short of duty of any of your subordinates?

Answer. I undoubtedly would; if I thought it of sufficient importance I would, of course, report it to the department.

Question. Is it the habit of the department to accept the resignation of any officer in the navy until it is known at the department whether his skirts were clear?

Answer. Well, sir; that is what I am not competent to answer.

Question. Well, suppose one of your subordinate officers there disobeyed your orders, what would you do?

Answer. I should report him to the Secretary of the Navy.

Question. Suppose he refused to obey, do you ever arrest him?

Answer. Certainly, yes, sir.

Question. Is it part of your duty to put him under arrest?

Answer. Yes, sir.

Question. Suppose at the same time he hands you his resignation, would you forward it to the department?

Answer. No, sir, I would arrest him, and prefer charges against him.

Question. Suppose that you have reason to believe that an officer under you is in open co-operation with the hostile forces outside, is it not your duty to put him under arrest?

Answer. Certainly, if I knew it to be a fact. I may know a man to be a secessionist, and I may not know he is co-operating with them. Neither did I know that 19 out of every 20 about me were secessionists. I was surrounded by them.

Question. Had you any knowledge that anybody there co-operated with those forces outside?

Answer. I had not.

Question. When your second in command appeared at your office, with the two men, demanding the surrender of that yard, did you make any inquiries of him what connexion he had with the matter?

Answer. He was the executive of the yard; his duty was to be watchful and careful, and to keep a careful lookout. He had his instructions from me to be vigilant in the protection of the property, to be guarded in every point.

Question. Had you from his course of conduct any suspicion of him up to that hour?

Answer. No, sir.

Question. Had you of the next in command, Renshaw?

Answer. Not previously.

Question. Had you from anything that he had said?

Answer. No, sir; not a word. He was a man that I had very little association with.

Question. You had of the naval storekeeper?

Answer. I heard him speaking to some one, that Florida, when she was independent, would be competent to take care of herself.

Question. I understood you to say that some officers told you that they should go with Florida if Florida seceded?

Answer. This was subsequent to the surrender.

Question. Did no one previous to the surrender?

Answer. I think not. I have no recollection of it. Do you mean naval officers?

Question. The officers there. I suppose every one was subordinate to you there?

Answer. Yes, sir.

Question. Did you hear such a thing from any source?

Answer. Previous to the surrender, no, sir. I think not. I have no recollection of anything of that kind at that time.

Question. Did you muster your forces after you received the de spatch from the department to be vigilant?

Answer. Yes, sir; my forces were mustered, and they consisted of about a dozen muskets.

Question. I do not inquire of what they consisted, but only ask the fact. Did you take any measures to find out whether they were loyal or not?

Answer. The marines are loyal to the last man.

Question. Did you take any measures, after the receipt of the despatches of the 9th, to ascertain how much of the force there would stand by you in any attempt to defend the yard?

Answer. The only force were the marines and the watchmen.

Question. What measures, if any, did you institute after receiving these despatches, to ascertain who was loyal and who was not?

Answer. I took it for granted that everybody that was there was loyal. I did not call each man up, and ask him if he was this, that, or the other, but I came to the conclusion that they must all be loyal. I did not investigate, or call on each man.

Question. What steps, if any, did you take to ascertain whether your conclusion was correct?

Answer. I have no recollection at this time what course I took. I knew what I had to depend upon. Citizens are not very apt to join the militia.

Question. Did you hold a conference with your other officers upon the subject of defending the yard?

Answer. Yes, sir.

Question. When?

Answer. It was a few days before the surrender. We had some men remaining there belonging to what is called the ordinary.

Question. Where did you hold this conference?

Answer. It was either in my house—my residence—or at my office.

Question. How long did it last?

Answer. Not very long.

Question. For half an hour?

Answer. No, sir.

Question. Ten minutes?

Answer. Ten minutes, probably.

Question. What was the conclusion of the conference upon this

point, whether you would make any attempt to defend the yard or not?

Answer. We came to this conclusion: at least I proposed arming the remainder of the ordinary men with muskets. But the commander said that we had plenty of muskets but no cartridge-boxes. I said, "very well; then they will have to carry the cartridges in their pockets." He said, "they are not fit to be trusted with muskets; they are a drunken set of rascals."

Question. Who said this?

Answer. Commander Farrand. He said they were a drunken set of rascals; "they are smuggling liquor in here, and will give us more trouble; if you will put these arms in their hands they will get drunk and turn to and bayonet each other; there will be more danger from them than from the enemy."

Question. That was Farrand's opinion?

Answer. Yes, sir.

Question. Did any other one express that opinion?

Answer. No, sir.

Question. Did you ask the opinion of any of the other officers?

Answer. I did not; Commander Farrand was the executive officer of the yard.

Question. What was, then, the conclusion to which you arrived on that conference?

Answer. That if that was true we could not trust arms in their hands, because they would have to carry their cartridges in their pockets; and I found, even after the surrender, that this statement of his was true, because they got drunk immediately.

Question. What conclusion did you come to in that conference; what was the result of that conference?

Answer. That we would not arm them if that was the case.

Question. I asked you if you had a conference with your officers upon the subject of defending the navy yard?

Answer. That was the intention of arming these men.

Question. Did the conference come to any definite conclusion or not upon the question whether it was worth while to attempt to defend the navy yard?

Answer. We would attempt to defend it to the extent of our ability.

Question Did the conference come to that conclusion?

Answer. That was the conclusion.

Question. The conclusion of the conference was to defend it to the best of your ability?

Answer. Yes, sir.

Question. What was the opinion of the conference upon your ability to defend it?

Answer. Why, if we were overpowered, that we must surrender; that there were no defences there upon which we could fall back.

Question. You knew that, without the conference, did you not; that if you were overpowered you must surrender; I wanted to know if the conference came to the conclusion that the navy yard could be defended or not.

Answer. The conclusion was that it could not be defended against a very superior force.

Question. How long after you received the despatches from the department did you have your conference?

Answer. Immediately, within a day.

Question. Then, from the time of that conference until the attack was actually made you were in constant expectation of an attack?

Answer. Well, we could not tell when or where.

Question. Did you send out any person from the navy yard to ascertain whether there was any force in the neighborhood contemplating an attack upon you?

Answer. I suggested to the executive officer that it would be well enough to get a man and keep him constantly running to and from in the direction of Pensacola to give us the earliest intelligence. But he thought they might be suspected or charged with some crime or another, and he might meet with some accident or injury; and he knew none that he could send.

Question. Did you issue an order to that effect?

Answer. No, sir.

Question. Were you deterred from issuing such an order as that by that suggestion?

Answer. I did not think it was necessary after what he stated.

Question. Did you think it unnecessary, when a force was gathering within eight miles of you, to have anybody to ascertain whether that force was marching upon you or not?

Answer. I had nobody to send.

Question. You had your second in command, had you not?

Answer. Yes, sir.

Question. A man whom you thought exceedingly trustworthy?

Answer. I did think so.

Question. Could you not have sent him?

Answer. Why, gentlemen, it is unnecessary for the executive officer of the yard to be there present, because I did not go around myself.

Question. There was nobody under him that you suspected?

Answer. No, sir.

Question. Was there not one man, from your second in command to your last man in the yard, that you could spare upon such an errand?

Answer. There was nobody, to my knowledge, that was fitted to the purpose. The master was an old man, seventy-odd years of age; the gunner was a very old gentleman, older than myself; the carpenter had been an intemperate man, and I did not think him trustworthy; the sailmaker was an infirm old man. That constituted the whole force.

Mr. BRANCH at this point objected that neither the last question nor any of the inquiries propounded to the witness this morning tended, in any degree, to show any misconduct or a failure to discharge their duty on the part of any executive officer of the government in connexion with the surrender of the Pensacola navy yard; and therefore the examination is not legitimate to the inquiry that this committee was directed by this House to make.

The chairman said that he would make this decision without special reference to the objection raised by Mr. Branch, but upon general

grounds. That under the last clause of the first instruction to the committee, to wit:

"And whether any demand for such surrender (of public property) has been made, when, by whom, and what answer has been given."

The examination should be confined to the facts and circumstances that occurred at the time of the surrender, the *res gestæ*, together with the reasons for the particular action taken; the surrender of the yard being the answer given to the demand for its surrender.

Mr. COCHRANE took an appeal from the decision of the chair in order to have a vote of the committee upon the question. He thought the ruling of the chairman proceeded a little beyond the extent and scope of the instructions of the committee.

The CHAIRMAN. I hold that it is competent to prove the fact of the surrender, and all the accompanying facts also, as the *res gestæ;* and to draw out of the witness any particular reason that seemed to make it necessary to do as was done; or rather the reasons for doing what was done. I do not think the examination should go outside of that.

Mr. COCHRANE If it is intended to connect the Secretary of the Navy with those facts, then I do not think there can be any objection to the inquiry.

Mr. DAWES. The commodore says that the Secretary knew the condition of that yard at well as he did.

The WITNESS. Certainly; he knows as much about all the yards in the country as those in command.

Mr. COCHRANE. I had understood from the witness previously, in answer to the question, to say that it was impossible for the Secretary here to know what was transpiring there. But the answer he now makes seems to be different.

Mr. BRANCH said he would like the permission of the committee to ask the witness one or two questions, in order to ascertain in how far the Secretary of the Navy could have been cognizant of what was transpiring in the Pensacola navy yard at the time of the surrender; as upon the answers given he thought the decision of the question should depend.

The CHAIRMAN said he would prefer to have the question decided upon the general ruling he had made, which was without special reference to the particular objection raised by Mr. Branch; the question raised by Mr. Branch could be decided afterwards, and the inquiries he desired to make would be competent at any time. Said the chairman, under our instructions it is competent to prove the surrender of the yard, and to prove the *res gestæ*, the same as in a court of justice; that is, all the attendant facts and circumstances. And under that head it is competent for any one of the persons there that performed this act of surrender, or any part of it, to state the reasons or necessities, or, if you please, the motives of the act, so far as he is disposed to state them. We were directed to inquire with regard to a demand for the surrender of any public property, and the answer given—in this case, the answer given was the surrender. And under that clause of our instructions it is competent to prove the fact of the surrender, and the *res gestæ*, the necessities for the surrender, or the reasons or motives. I should wish to have the exam-

ination limited to the main fact of the surrender, and to what would come under the head of—why it was surrendered. And all these little facts are resolvable to this, the *res gestæ*. And I therefore direct the examination for the present to be confined within these limits.

Mr. COCHRANE. I think all that competent within the range of a possibility of connecting the executive head of the department with the *res gestæ*. But if it be as I had previously understood, that in this case there was no possibility of connecting any responsibility with the head of the department for what was going on there at the time—that which goes to make up the *res gestæ*—then my opinion would be that we should conclude the inquiry here, as not by any possibility implicating the executive head of the department. But as long as there is any possibility of connecting the head of the department, without reference to any probability, I am willing the investigation should continue.

The CHAIRMAN. I do not put my decision upon that ground at all. I have no reference whatever to any officer at all, whether executive or any other. My decision is based upon the sole ground of an inquiry into the fact of the surrender, without any reference to the question whether any officer, executive or any other, is chargeable with any wrong-doing therefor or not.

Mr. REYNOLDS. I think Mr. Cochrane has misapprehended what the witness has said. As I understood him, he says that the Secretary of the Navy was as well aware as he was of the general condition of the yard, the number of men there, its means of defence, &c.

The WITNESS. Certainly; that is what I said. The Secretary knows everything of the kind about every navy yard in the country.

Mr. REYNOLDS. He did not say that the Secretary knew what was transpiring there at the time of the surrender.

The WITNESS. He could not know; all the means of communication were cut off.

After some further discussion the question was taken: shall the decision of the chair stand as the judgment of this committee?

The CHAIRMAN announced that if the chair did not vote the result would be—ayes 2, noes 2.

Mr. BRANCH said he was perfectly willing the chairman should vote, and should not question the decision upon that ground, but should submit to it cheerfully.

The decision of the chair was accordingly declared to have been sustained by the following vote:

Ayes—Messrs. Dawes, Reynolds, and the Chairman—3.

Noes—Messrs. Branch and Cochrane—2.

Examination resumed.

By Mr. DAWES:

Question. Can you tell me how many arms there were in the yard under your control, beyond those borne by the marines?

Answer. Do you mean muskets?

Question. Yes, sir.

Answer. Well, sir, I think there might have been 100 muskets that I saw in the racks; how many there were in the boxes I do not know; thirty of those in the racks I had sent over to Fort Pickens with the 30 ordinary men.

Question. Then there would be 70 in the racks?

Answer. Yes, sir; more or less; I cannot undertake to say positively.

Question. Besides those boxed up?

Answer. Yes, sir; those boxed up were to be sent north for repairs, or something; I do know exactly what.

Question. After you received, on the 9th, those despatches from the government, down to the hour of surrender, did any person inside of the yard express a wish to defend the yard by force?

Answer. I heard none?

Question. Was the inquiry made by you of anybody whether it was their wish to defend the yard by force?

Answer. I did not make the inquiry, because there was nobody that I could call upon, except it was the officers, marines, and ordinary men.

Question. Did you make the inquiry of either of them?

Answer. Either of whom?

Question. Well, of anybody.

Answer. The ordinary men were the only men I had any control over, the only poeple; I did not ask any questions of them; I proposed to arm them, but was told that they were not trustworthy; that they would get rum in and get drunk, and go to bayoneting each other if they were armed; and, indeed, on the day of the surrender there was a general knock-down and drag out, and I saw nothing but black eyes among them afterwards.

Question. Was there anything in the condition of the property of that yard that was known to you and not also known to the department?

Answer. The government knew what property was there as well as I could, and it may be a little better.

Question. I do not mean the amount of the property; I mean the condition of the property, the means of defence.

Answer. Everybody in the navy knows that there is no means of defence.

Question. The question I asked was, whether there was anything known to you concerning the condition of the property there, and its defence, that was not known to the department?

Answer. I should judge that the department knew as much about the place as I did; they know everything that is in the yard, and everybody that is in it.

Question. Such answer as you choose to make to the question is all I ask.

Answer. They know how the yard is located; where everything is placed; that there are no defences about the yard; no guns mounted, &c. A navy yard is only a depository for stores, supplies, and repairs. There are no fortifications—no guns mounted in it.

Question. Was it your opinion that there was as much as $500,000 worth of property there?

Answer. I could not tell.

Question. Did you ever estimate it?

Answer. I did not; I never looked at the books; never saw them. The property was under the charge of the naval storekeeper; it was none of my business.

By Mr. COCHRANE:

Question. Was the government here, do you suppose, aware of the extent, or nature of the danger in which the yard was?

Answer. I do not think they could have been.

By Mr. BRANCH:

Question. Were there any means of defence within reach which the government could have furnished you on one week's notice?

Answer. No, sir.

Question. Has the government been in the habit of providing, at the navy yards, means of defence against our own citizens, except by furnishing a few watchmen to protect the property against trespassers by day or night?

Answer. No, sir.

Question. Has the Secretary of the Navy, either before or after the surrender, approved your action in connexion with the surrender? Of course, I allude to an official approval.

Answer. No, sir; I made my report to the department yesterday, and to day I asked to have a court of inquiry to examine into the whole case.

Question. It has neither approved nor disapproved?

Answer. Neither, sir.

Question. Would you consider it your duty to arrest an officer for his political opinions, or report him to the department?

Answer. Not to arrest him for his political opinions. I might report him to the department if they were different from my own.

Question. Do you consider yourself now as a prisoner of war on parole?

Answer. No, sir; I stated that on yesterday.

The CHAIRMAN. That was gone into fully yesterday by Mr. Cochrane.

Mr. BRANCH. I was not present, and have not yet read that part of his testimony.

By Mr. COCHRANE:

Question. You say you would report an officer to the department whose political opinions were different from your own. Do you not mean if they interfered with the service?

Answer. That is what I meant to express, certainly. If it was nothing but merely common political opinions, it would have nothing to do with the service at all. Every man has a right to his own political views; but if they interfered with the duties of the service, I should then feel that it was my duty to report him to the department.

By the CHAIRMAN:

Question. If his political opinions related to the destruction of the government, the surrender of the public property, &c., you would report him?

Answer. Yes, sir.

Question. But if they were merely as to who should be elected to office, you would not report him?

Answer. No, sir; I am very unfortunate myself; I never had any politics.

By Mr. BRANCH:

Question. If you had under your command an officer whom you knew to be in favor of a radical and fundamental change in the government, but whom you knew to be a man of honor, and one who would stand by his flag under all circumstances, would you consider it necessary to report him?

Answer. No, sir; I would not.

MONDAY, *January* 28, 1861.

JAMES ARMSTRONG'S examination resumed.

By the CHAIRMAN:

Question. I want you to state, commodore, as near as you can, the substance of the instructions that were given you on the 3d of January, and which you received on the 9th.

Answer. I think I can state them, as they were deeply impressed on my mind. They were, in substance:

"SIR: You will be vigilant to protect the public property. The commanding officer at Fort Barrancas has been instructed to consult with you, and you will co-operate with him."

Question. That was the substance of the whole of it?

Answer. I think that was about the sum total, as well as I can recollect.

Question. What impression did it make upon you? Did you infer from it that any extraordinary danger was likely to come upon you? What was your idea of it, so far as protecting the public property was concerned, I mean? The other part of it, of course, would speak for itself.

Answer. I supposed, of course, that the commandant of the fort had instructions to perform some duty, and I was to aid and assist him in every possible way I could; and I rendered him all the assistance in my power, in obedience to that order.

Question. What impression was made upon you with regard to vigilance in protecting the public property? Did you anticipate some extraordinary danger?

Answer. I concluded there must be danger from some quarter.

Question. Did you regard it as an intimation that you had been wanting in vigilance?

Answer. I read it, and in the first place I said to myself: "Good heavens! how is it possible for me to be more vigilant than I have been?" It struck me at first that it might be a censure.

Question. And afterwards you inferred that there might be some extraordinary danger?

Answer. Yes, sir; I inferred afterwards that there might be something very extraordinary, for that was the whole that was directed to me.

Question. Was this by telegraph, or by mail?

Answer. It was by letter—the last I received from the department.

Question. You said something, while you were giving your testimony, about the men being without pay, or without provisions, or something of the kind, for a length of time.

Answer. Yes, sir; the men, as I was told, had not received any of their pay for nearly two months and a half. For the months of November and December they had received no pay.

Question. And were rather destitute, of course?

Answer. Yes, sir; and they had meetings, and passed resolutions, &c., and addressed me, requesting me to supply them with provisions, and have it charged to their accounts, in lieu of pay; to give them something to eat. I telegraphed to the department—I wrote first, and then telegraphed to the department—the condition of the laboring classes there, and requested permission to serve out provisions to them. I waited the proper time, and found that I got no reply, and then I issued the provisions to them on my own responsibility.

Question. Such as were deemed necessary?

Answer. Yes sir; I was told the people were starving; indeed, on one occasion, I think, the constructor who is now here, Mr. Porter—the constructor of that yard—said to me: "I will point out to you two or three men who have had nothing to eat for two or three days." They were working on the Fulton. I could not help seeing to those people, and I said at once to myself, "I will order these provisions to be issued on my own responsibility, even without authority, if I have to pay for them myself;" and I did issue them.

Question. Did you discover anything that led you to believe that the men were restive, and disposed to turn over to the enemy, to desert, in consequence of this ill-treatment?

Answer. I could see nothing unusual at all; but there were meetings outside the yard, and resolutions, and committees waiting upon me to state the case.

Question. That was the only unusual thing?

Answer. Yes, sir; but their general deportment was perfectly respectful.

JAS. ARMSTRONG,
Captain United States Navy.

No. 4.

MONDAY, *January* 28, 1861.

CHARLES W. WELCH sworn and examined.

By the CHAIRMAN:

Question. The object of the committee in asking your attendance is to make some inquiry in regard to the resignations of officers of the navy.

Answer. Here is a list of the resignations during the last two months.—[See appendix to this testimony.]

Question. This is a correct list, is it?

Answer. Yes, sir; a correct list up to date.

Question. Can you, in addition to this list, or in explanation of it, state where these resignations were dated, one by one?

Answer. Yes, sir.

Question. The first is Captain V. M. Randolph; where was his resignation dated?

Answer. At Montgomery, Alabama, January 10, 1861.

Question. Can you state when it was received at the department?

Answer. The office mark is "January 14."

Question. Was it accepted?

Answer. Yes, sir; it was accepted on the 14th of January.

Question. Mr. Farrand's is the second on this list.

Answer. That was dated at Warrington navy yard. It is uncertain what the date is, whether the 13th or 15th of January; we could not make it out.

Question. Was it by telegraph?

Answer. No, sir; by letter.

Question. When was it received at the department?

Answer. It was received the 21st of January.

By Mr. DAWES:

Question. You have filed it "13th."

Answer. Yes, sir; that is the date we have given it.

By the CHAIRMAN:

Question. Was it accepted immediately?

Answer. Accepted on the 21st.

Question. T. W. Brent?

Answer. His resignation is dated "Pensacola, Florida, January 12, 1861." It was received on the 19th of January, and accepted the same day.

Question. H. J. Hartstene?

Answer. It is dated at Charleston, South Carolina, the 5th of January, and received on the 9th.

Question. Was it accepted on the 9th?

Answer. Yes, sir.

Question. T. B. Huger?

Answer. That is dated on board the sloop Iroquois, Naples bay, November 12, 1860.

Question. When was it received and accepted?

Answer. It was received January 11, and accepted the same day.

Question. A. Armstrong?

Answer. That is dated on board the Cumberland, at navy yard, Brooklyn, on the 20th November, 1860; received at the department the 21st, and accepted the same day.

Question. George E. Law?

Answer. That was dated on board the Cyane, Panama bay, November 26, 1860; received at the department December 18, and accepted the same day.

Question. J. R. Hamilton?

Answer. That was dated on board the Wyoming, Panama, December 1, 1860; received at the department December 15, and accepted the same day.

Question. W. G. Dozier?

Answer. That is dated at Washington, December 21, 1860, and received and accepted the same day.

Question. Robert Selden?

Answer. That is dated on board the Wyandotte, off the navy yard at Warrington, Florida, December 21, received and accepted on December 27.

Question. A. F. Warley?

Answer. He is a cousin of Hon. Mr. Miles, of South Carolina, who transmitted it from Charleston, South Carolina, on the 20th of December, 1860; the letter of resignation is without date; Lieutenant Warley is on board the Richmond, in the Mediterranean, and I apprehend the letter of resignation was left with his cousin to be transmitted when the State of South Carolina should have seceded.

Question. When was it accepted?

Answer. December 24, 1860.

Question. J M. Stribling?

Answer. That is dated on board the Wyandotte, at Warrington navy yard, December 31, 1860; received by the department and accepted the 8th of January.

Question. T. P. Pelot?

Answer. That was dated at Norfolk, January 7, 1861, and received at the department and accepted on the 11th of January.

Question. J. R. Eggleston?

Answer. That is dated on board the Wyandotte, at Pensacola bay, January 13, 1861, received and accepted the 22d of January.

Question. J. H. North?

Answer. That is dated at Charleston, South Carolina, January 15, and accepted on the same day; there must be some mistake in the date; I do not understand that; the mail does not come so rapidly as that.

Question. Some error in his date?

Answer. Yes, sir.

Question. It did not come by telegraph?

Answer. No, sir; by letter.

Question. R. T. Chapman?

Answer. That is dated on board the Brooklyn, Hampton Roads, January 14, 1861, received at the department January 17, and accepted January 15; it was accepted before it went to the key clerk; we key all letters we receive at the office, and sometimes they may be acted upon before they go to the key clerk; this was acted on on the 15th; it was accepted by telegraph and by letter also.

By Mr. BRANCH:

Question. He was on board the Brooklyn?

Answer. Yes, sir; at Hampton Roads.

Question. And the Brooklyn was liable to sail at any moment?

Answer. Yes, sir; we answered by telegraph and by letter.

By the CHAIRMAN:

Question. The next is F. B. Renshaw.

Answer. That was dated at the navy yard at Pensacola, January 16, 1861, and accepted January 22.

Question. Was that replied to by telegraph as well as by letter?

Answer. I think not.

Question. John Kell?

Answer. That is dated Milledgeville, Georgia, January 18, 1861, and received by the department, and accepted January 23.

Question. John Pearson, master?

Answer. That is dated "Navy Yard, Warrington, January 15, 1861," received by the department and accepted January 22.

Question. T. B. Mills?

Answer. That is dated Norfolk, Virginia, January 16; he also resigned by telegraph January 15, and they were both accepted by letter and by telegraph, the one on the 15th and the other on the 16th.

Question. John Grimball?

Answer. That was dated Charleston, South Carolina, December 20, 1860; it was received by the department and accepted December 24, 1860.

Question. S. B. Paddock?

Answer. That was dated on board the United States steamer Brooklyn, Aspinwall, November 11, 1860; it was received by the department November 26, and accepted the same day.

Question. W. A. W. Spotswood?

Answer. That was dated at the United States naval hospital, Warrington, Florida, January 12, 1861, and received and accepted January 19.

Question. A. M. Lynah?

Answer. That was dated Charleston, South Carolina, January 9, 1861, received and accepted January 14.

Question. Charles E. Lining?

Answer. That was dated at Charleston, South Carolina, January 11, 1861, and received and accepted January 16.

Question. Thomas J. Charlton?

Answer. That was dated at Savannah, Georgia, December 14, and received and accepted December 18, 1860.

Question. Wm. W. J. Kelly?

Answer. This is dated Tallahassee, Florida, January 8, 1861, and received and accepted January 21.

Question. B D. Heriot?

Answer. That is dated Charleston, December 31, 1860; received and accepted January 7, 1861.

Question. S. Z. Gonzalez?

Answer. He was the naval storekeeper at the navy yard at Warington; the letter of resignation was dated January 12, 1861, and was received and accepted on the 19th of January.

Question. S. T. Abert?

Answer That is dated Warrington Navy Yard, on the 12th of January, 1861, and was received and accepted on the 24th of January.

Question. And the midshipman here, Benjamin F. Day?

Answer. He was at the Naval Academy; his resignation was dated the 22d of November, 1860, and was received at the department the 23d, and accepted the 24th.

Question. All the rest here in the list seem to be midshipmen?

Answer. Yes, sir; all at the academy.

Question. Not active in the service?

Answer. No, sir; not actually in the service.

By Mr. COCHRANE:

Question. Are all on the list here, as having resigned, from the south?

Answer. There may be some from the north.

By the CHAIRMAN:

Question. I see that Benjamin F. Day and W. T. Moon are from Ohio.

Answer. Moon was obliged to resign.

Question. Had an invitation to leave?

Answer. Yes, sir?

Question. And the same with O. H. Howard, from Massachusetts?

Answer. Yes, sir; for some other reason than political reasons they were obliged to resign.

Question. It was not on account of political reasons with the boys from the north.

Answer. No, sir.

Question. With regard to southern boys was it mostly for political reasons?

Answer. Some of them may have stated the reasons for their resignations; but the most of them were simply resignations. And some of those that have already resigned, some of the older officers, were not on duty at all.

Question. The practice recently has been, it seems, to regularly accept every resignation on the day it was received?

Answer. There are two resignations here that have not yet been acted upon: One is that of Commodore Kearney, who withdrew his resignation; the other is Chaplain Thomas.

Question. Mr. Thomas was at Pensacola?

Answer. Yes, sir; attached to the navy yard.

Question. Has he withdrawn his resignation?

Answer. No, sir; but the Secretary has not acted on it yet.

Question. But in all the other cases, without exception, the resignations have been accepted on the day they were received?

Answer. Yes, sir; I think so.

Question. So that the practice the last few weeks has been to accept them immediately?

Answer. Yes, sir.

Question. And the two you speak of have been exceptions rather?

Answer. Yes, sir.

By Mr. BRANCH:

Question. That is the natural current of the business of the office?

Answer. Yes, sir; one was acted on before the letter was received?

By Mr. DAWES:

Question. Was the letter of Mr. Abert to Mr. Mallory, which is enclosed in his resignation, addressed to the Secretary, received with it?

Answer. I did not notice there was such a letter, [looking at it.] Yes, sir; I recollect now that was sent by Mr. Mallory to the department.

Question. Both these papers came together?

Answer. Yes, sir.

Question. Is the memorandum on the back of this resignation the substance of the answer?

Answer. Yes, sir; the letter signed by the Secretary.

The indorsement was read as follows:

"Answer that his resignation is accepted, to take effect from the 12th of January, the day of the surrender of the yard, and when his services ceased. Done January 24, 1861."

By the CHAIRMAN:

Question. He was not an officer of the navy?

Answer. No, sir; a mere civil appointment, a civil engineer.

Question. Is he on this list?

Answer. Yes, sir.

By Mr. DAWES:

Question. Have you any objection to our copying, in our minutes, this letter of Mr. Abert to Mr. Mallory?

Answer. No, sir; it is an office document.

The letter was read as follows:

"WARRINGTON NAVY YARD, *January* 12, 1861.

"DEAR SIR: Through you I received my appointment, and through you I would wish to resign. I cannot act against the government until I am released from obligations. I cannot act against the south. God grant the question may be peacefully settled.

"Yours, truly,

"T. J. ABERT.

"S. R. MALLORY."

Question. Will you explain why the acceptance is made to date back?

Answer. It is for the purpose of not paying them after they had ceased to render service.

Question. Is that true of other resignations of officers at the Pensacola navy yard; are there any other resignations that indicate that they are to take effect before the date they were accepted at the department?

Answer. [Referring to books.] I will state here that as soon as telegraphic information had been received at the department of the seizure and surrender of the navy yard at Pensacola, all the officers attached to that yard were detached by the Secretary. These are the words of the statement:

"The navy yard at Warrington, near Pensacola, having been seized by an armed force under the authorities of Florida, you will consider yourself as detached therefrom from the day of seizure, and awaiting orders."

After that these resignations came in, and were accepted as they came in.

By the CHAIRMAN:

Question. Were they accepted to take effect from the 12th?

Answer. No, sir, none; because they were still officers of the navy, but detached.

Question. Their pay is still going on?

Answer. Yes, sir. But in regard to the civil engineer, he could be removed at any time.

By Mr. DAWES:

Question. What is the date of the resignation of Mr. Randolph and its acceptance?

Answer. It was dated the 10th of January, 1861, at Montgomery, Alabama.

The following is the notice of acceptance:

"NAVY DEPARTMENT, *January* 14, 1861.

"SIR: Your resignation as captain of the United States navy, tendered in your letter of the 10th instant, is hereby accepted.

"Mr. VICTOR M. RANDOLPH,
"*Late Captain United States Navy, Montgomery, Alabama.*"

Question. I wanted to know if any other resignation except Mr. Abert's was accepted, to take effect before the day of acceptance by the department?

Answer. Yes, sir; I think another civil appointment, Mr. Gonzalez. [Looking at resignation.] I do not know; the letter here does not seem to be indorsed; it ought to be.

By the CHAIRMAN:

Question. He resigned on the 12th?

Answer. Yes, sir.

Question. His is regarded as a civil appointment?

Answer. Yes, sir; that is entirely a civil appointment, with a salary fixed by the department.

By Mr. DAWES:

Question. Will you look at the acceptances of the resignations of Farrand and Renshaw, and see about them?

Answer [Examining book.] The date of the acceptance of Farrand's resignation is the 21st January. It is addressed to E. Farrand, late commander United States navy, Warrington navy yard, as follows:

"Your resignation, tendered in your letter of the 13th instant, is hereby accepted."

By the CHAIRMAN:

Question. Nothing is said about the time it is to take effect?

Answer. No, sir; that is the usual course.

By Mr. COCHRANE:

Question. When does such a resignation, so accepted, go into effect?

Answer. That is a matter arranged by the Fourth Auditor, the accounting officer; I think it is from the date of the receipt of the letter of the department.

By the CHAIRMAN:

Question. He would be considered as bound to obey orders until his resignation is accepted?

Answer. Yes, sir; until he is notified that his resignation is accepted. The acceptance of Renshaw's resignation is in the same words.

Question. What date is that?

Answer. January 22, 1861.

[The following is the letter of resignation of Mr. Abert:

"WARRINGTON NAVY YARD, *January* 12, 1861.

SIR: I herewith tender my resignation of the office of civil engineer of this navy yard, and respectfully ask that some one may be designated to receive the public property in my charge.

"Very respectfully, your obedient servant,

"T. J. ABERT.

"Hon. ISAAC TOUCEY."]

The WITNESS. The same thing is asked for by Mr. Gonzalez.

By Mr. BRANCH:

Question. Was Mr. Abert a naval officer, attached to the navy, or merely a civil officer attached to the navy yard at Warrington?

Answer. Merely a civil officer attached to the yard.

Question. What was the reason for anticipating his resignation, dating it back to the day on which his services ceased?

Answer. So that he should receive no pay after the time he had ceased to perform service.

By the CHAIRMAN:

Question. Mr. Randolph's resignation was dated the 10th of January, and accepted on the 14th. Was he in any sense released from his obligations to the United States on the 12th any more than if he had not tendered his resignation at all, it not having been accepted?

Answer. I think not.

Question. You would regard him bound as much by his obligations after he had sent his resignation and until it was accepted and its acceptance received, as though he had not tendered his resignation?

Answer. Yes, sir.

By Mr. COCHRANE:

Question. I would ask whether, up to the time of the acceptance of Randolph's resignation, he was not detached or awaiting orders?

Answer. Up to that time he was awaiting orders.

By the CHAIRMAN:

Question. And had been for some time; for some weeks or months?

Answer. Yes, sir; for years. He has been sick for the last two or three years, so that when his term of service at sea came, he was passed over, if my memory is correct.

By Mr. DAWES:

Question. Were there any telegraphic communications from the department to any one who was in service at the navy yard at Pensacola after news of its surrender was received by the department?

Answer. I think it possible that some resignations were accepted by telegraph, as well as by letter. I cannot quite recollect now.

Question. Have you any means of telling to whom?

Answer. I do not think I have; [looking at book.] Yes, sir; here is one—Dr. Spotwood's—that is by telegraph.

By Mr. REYNOLDS:

Question. Of what date?

Answer. January 19. Lieutenant Chapman's and Mr. Mills's were telegraphed, as I have previously stated. I think it very likely that Abert's was accepted by telegraph; but I have not the proper book here to show that.

Question. No others?

Answer. No, sir; none that I find on record here.

By Mr. COCHRANE:

Question. When was it first known at the department that Randolph headed the hostile forces?

Answer. I do not think it is known there yet except by newspaper.

By the CHAIRMAN:

Question. Not known officially?

Answer. Commodore Armstrong left, on Saturday last, with the Secretary a report of the transactions there. I know it is there, but I have not seen it, and do not know what it states.

By Mr. COCHRANE:

Question. That is the first official communication to the department?

Answer. Yes, sir; except the telegraphic despatch, and what Commodore Armstrong may have communicated verbally to the Secretary when he first came here.

By the CHAIRMAN:

Question. Then that despatch was all the official information you had until the arrival of Commodore Armstrong here?

Answer. Yes, sir.

By Mr. BRANCH:

Question. Has there been anything unusual, anything out of the usual course of things, and the usual current of business in the department in reference to these resignations?

Answer. No, sir; the resignation of a person of age is always accepted; almost the same day it is received. There may be some circumstances which induce the Secretary to put it off; but they are especial cases, not the general rule.

By Mr. COCHRANE:

Question. But if the officer had been guilty of or suspected of unofficer-like conduct, or of anything affecting his position as an officer, is it then customary to accept his resignation?

Answer. Yes, sir; sometimes it is, as the easiest way to get rid of him.

By the CHAIRMAN:

Question. You are the chief clerk of the Navy Department?

Answer. Yes, sir.

Question. And these records from which you make out this are the official records of the department?

Answer. Yes, sir.

CHARLES W. WELSH,
Chief Clerk Navy Department.

36TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 88.

RELATIVE TO THE CORRESPONDENCE BETWEEN THE PRESIDENT AND THE COMMISSIONERS ON THE PART OF THE STATE OF SOUTH CAROLINA.

FEBRUARY 27, 1861.--Ordered to be printed, together with the views of the minority, and recommitted to the select committee.

MR. REYNOLDS, from the select committee, made the following

REPORT:

The select committee to whom was referred the message of the President of the United States, bearing date the 8th day of January, 1861, *with special instructions, submit, in partial discharge of the duties imposed upon them, the following report:*

Accompanying the message of the President, referred to this committee, is a copy of certain correspondence had between the President and Messrs. R. W. Barnwell, J. H. Adams, and James L. Orr, claiming to be "commissioners" on the part of the State of South Carolina, "authorized and empowered to treat with the government of the United States for the delivery of the forts, magazines, light-houses, and other real estate, with their appurtenances, within the limits of South Carolina, and also for the apportionment of the public debt, and a division of all other property held by the government of the United States as agent of the confederated States, of which South Carolina was recently a member, and generally to negotiate as to all other measures and arrangements proper to be made and adopted in the existing relations of the parties, and for the continuance of peace and amity between the commonwealth (South Carolina) and the government at Washington."

A further message of the President, under date of February 8, 1861, and referred to this committee, communicates a copy of certain correspondence growing out of another special mission from the State of South Carolina to the President of the United States, having for its object a demand upon the government of the United States for "the delivery of Fort Sumter, in the harbor of Charleston, to the constituted authorities of the State of South Carolina."

The correspondence above referred to is submitted by the President without comment or any suggestion as to the propriety or necessity of any action by Congress in respect to it or to the various subjects to which it refers. If important to be submitted to Congress at all, it seems certainly to be of a character demanding grave consideration; and the fact that it has been placed before us by the President implies

that, in his opinion, at least, it involved considerations which might properly engage the attention of the legislative branch of the government in connexion with the various other matters forced upon it by the necessities of the times. The committee has therefore thought it expedient and proper to direct attention to these special embassies, their object, the action of the President thereon, and incidentally to the character of the correspondence.

The first communication to the President, by Messrs. Barnwell, Adams, and Orr, under date of December 28, 1860, communicates an official copy of an ordinance of secession, adopted by the State of South Carolina on the 20th of the same month, by virtue of which that State assumes to have withdrawn from the federal Union, and taken the position of an entirely independent nation. That such an attitude was assumed by South Carolina in attempting negotiations with the government of the United States is not only obvious from the history of current events, but it was most distinctly asserted by her "commissioners" in their communication to the President. The movement of Major Anderson from Fort Moultrie to Fort Sumter, after their arrival in Washington, seems to have been regarded as an obstacle on their part to the opening of any discussion touching the object of their mission until the circumstances attending that movement should be explained in a manner which should relieve them of all doubt as to the spirit in which the contemplated negotiations should be conducted. They, however, urge upon the President the immediate withdrawal of the troops of the United States from the harbor of Charleston, upon the allegation that they are a standing menace, which rendered negotiations impossible, and which, as they express it, "threatens speedily to bring to a bloody issue questions which ought to be settled with temperance and judgment." This communication was received by the President, and made the subject of a formal and elaborate reply. Considering the position assumed by the President in his annual message in respect to the right of a State to withdraw from the Union, and the total absence of power on the part of the Executive to recognize the validity of any such attempt, the committee cannot but regard the mission itself, as well as the manner in which it has been treated by the President, as among the most remarkable events of the extraordinary times in which we live. In his annual message, communicated to Congress at the beginning of the present session, the position is most distinctly affirmed by the President that no State has the constitutional right to withdraw from the Union, and that there is no power in the executive department of the government to give the slightest countenance or encouragement to any such attempt. In this opinion we fully concur; and, believing it to be the true theory of the Constitution, we have been unable to perceive upon what principle the President, representing the dignity of the government of the United States, has assumed to entertain or hold any official communication of the character disclosed with the representatives of the State of South Carolina. For it seems to us obvious enough that, upon the principles enunciated in the annual message, the gentlemen composing this commission, acting under the sanction of a disloyal State, could be regarded in no other light than as engaged in a revolutionary

effort to subvert the government of the United States; and being so regarded, it would appear to have been the plain duty of the Executive to enforce the laws against any individuals, however eminent and respectable, known or suspected of complicity in any movement of a treasonable character. We are not able to imagine any circumstances under which the President of the United States would be justified in entertaining diplomatic intercourse with the State of South Carolina in her present attitude to the general government, except upon the assumption that, by the action of her authorities, she had succeeded in acquiring the position of an independent power, owing no duty whatever to the government of the United States.

As before stated, it is claimed by her, and on her behalf, that she now occupies such a position, and her agents are sent hither upon that assumption, charged with most extraordinary and insolent demands upon the President. The reception by the President of such a communication, under such circumstances, and awarding the dignity of an official reply, involves, to some extent, a recognition of the assumed position of the rebellious State, and impliedly admits that the individuals engaged in the revolutionary movements against the federal government have acquired a political position which entitles them to some other consideration than is most commonly due to those who invite a collision with established authority. It is this attitude of the President's that the committee particularly desire to express dissent from, and to affirm, most emphatically, the doctrine that so long as the federal government exists its Constitution and laws operate with full vigor upon the people of every State, and that no action of State authority, of less degree than successful revolution, can justify any department of the government in treating any persons engaged in the effort to throw of all federal obligations other than as rebels and traitors, and entitled to be dealt with as such.

Even if, from any considerations growing out of the structure of our government, or the dangerous tendency of the secession movement in several States of the Union—the anxiety to prevent the shedding of blood and of avoiding the evils of civil war—great forbearance in the actual enforcement of the laws against political offenders may be pardoned and perhaps justified, we are not prepared to give our assent to any action of the executive department which in express terms, or by a necessary implication, may seem to place the responsible actors and abettors of secession in any State of the Union in any other aspect than that of traitors to the Constitution of the United States.

It is believed that the assertion and maintenance of this position is essential to the existence of the federal government, and without which it neither can have nor deserve obedience at home or respect abroad. It may, perhaps, for a time, be tolerated that offenders against the laws may be permitted to go "unwhipped of justice." The forcible seizure of public property by rebellious citizens may temporarily be allowed to pass unpunished, for reasons which may appear satisfactory to those charged with executive duty, but this condition of things cannot be of long continuance. Either the government must vindicate its power, or it will itself become powerless. If any portion of the people of the republic may at their pleasure repudiate

all federal authority, defy and disorganize the government, seize its property and insult its flag, without incurring the hazard of punishment for treason, either by civil or military authority, we may well admit there is no government of the United States worthy of preservation.

And if, after the people of a State, without adequate cause, have announced their purpose of repudiating all allegiance to the federal Union, they are, without question, to be entertained by the government of the United States with diplomatic intercourse in respect to the abandonment of its own forts, arsenals, and other public buildings, upon threats of forcible expulsion if the demands upon it are not at once acceded to, we may well pause and consider to what depths of degradation and humiliation the American government is approaching, if the lowest depth has not already been reached.

The committee do not propose to discuss here whether it is wise or politic, at the present time, to employ the whole power of the government, under all circumstances, and at all hazards, to punish offenders against its laws. In times of extensive civil commotion and discontent, prudence may dictate great caution and forbearance in the exercise of acknowledged powers; and when whole communities assume the attitude of revolution against established government for real or imaginary wrongs, it may be wise to listen to their complaints with attention, and not, by any unnecessary rigor against palpable violations of law, provoke passions already unduly and unreasonably excited.

But when growing discontent assumes the position of actual hostility; when, instead of seeking redress under existing forms, resort is had to force, and the purpose is boldly avowed of overturning the government to which their allegiance is due, we cannot see the wisdom of a policy which permits treason to perform its work without hindrance or molestation. Above all, we cannot sanction a policy in the executive department of this government which professes a purpose of executing its laws and protecting its property from unlawful violence, and yet remains inactive when revolution is actually impending, and entertains friendly intercourse with embassies instigated by and growing out of the highest type of treason to the federal Constitution.

The President acknowledges the obligations of his oath to protect and defend the Constitution, and enforce the laws made in obedience to its requirements; denies the right of secession; and yet, in the correspondence before us, we have the evidence that, with full knowledge that the authority of the government has been set at defiance, its dignity insulted, and its flag dishonored, he yet negotiates with treason, and commits the government to a partial recognition of the revolutionary movement for its destruction. If, for any considerations of policy, he may be justified in suspending the exercise of its powers, we know of no reason that can justify a course of action which ignores the theory upon which the whole foundation of the government rests. If the fact that the government has the power to protect itself from domestic violence may not prudently be acted upon, under an apprehension that any exercise of authority may irritate and exasperate those already in open rebellion, it would be some consolation to such of the citizens of the United States as are still loyal to the Constitution

to feel assured that the desire to shield traitors from the consequences of their acts may not result in the utter demoralization of all federal authority and dignity.

If we recur to the contents of the correspondence to which we have referred, there is but little to commend it to favorable consideration. The communication by the "commissioners" of South Carolina to the President conveys, in the most unqualified terms, an imputation of bad faith upon the President, and, of necessity, upon the government of the United States, on account of the occupation of Fort Sumter by Major Anderson and his command. It is clearly intimated that some agreement, previously made by the President, respecting the occupation of the forts in the harbor of Charleston, had been violated. From this charge the President has undertaken to defend himself, and to furnish excuses for the action of the government in respect to the occupation of its own fortresses and the disposition of its own troops. The fact that the State of South Carolina intended to rebel against the government of the United States was well understood long before her ordinance of secession was actually adopted. The probable consequences of such action, it was also well known, would be an attempt on the part of the State to take possession of all the forts, arsenals, magazines, and other public property within her limits. Under such circumstances, nothing would seem to be clearer than the duty of the President to provide in due time an adequate force for the protection of all the public property in danger of assault. Instead, however, of taking such a course, the President seems to have been in communication with those engaged in the rebellion; and a sort of understanding appears to have been had early in December that no action should be taken by the government of the United States to reinforce the command charged with the defence of the forts in the harbor of Charleston.

On the 9th of December, 1860, the representatives in Congress from the State of South Carolina furnished the President with a written statement, under their signatures, expressing their strong conviction that the forts in the harbor of Charleston would not be attacked or molested *previously* to the action of the convention of that State then about to assemble, and they hoped and believed not until after an offer had been made, through an accredited representative, to negotiate for an amicable arrangement of all matters between the State and the federal government, "*provided*, that no re-enforcements shall be sent into those forts, and their relative military status shall remain as at present."

At the time this paper was presented the President objected to the word "*provided*," as it might, as he expressed it, be construed into an agreement on his part which he "never would make." It was, he thinks, obvious there could be no such *agreement* made, and he says it was regarded, in effect, as the promise of highly honorable gentlemen to exert their influence for the purpose expressed. The purpose of the President was well known not to re-enforce the forts in Charleston harbor until they had been actually attacked, or until he had certain evidence that they were about to be attacked; and we are informed by his communication before us that, in respect to these forts, he acted in the same manner that he would have done if he had

entered into a formal agreement with parties capable of contracting. It does not, therefore, appear to be material whether, in a strict technical sense, there was or was not an agreement to the effect indicated in the paper lodged with him by the representatives in Congress from the State of South Carolina. It is perfectly clear that at that time it was regarded as certain that South Carolina would attempt to secede from the Union, and intended to obtain possession of these forts, either by force or negotiation. With a knowledge of these purposes, the President is determined to send the officer in command no re-enforcements, and he has acted in this respect in the same manner as he would have done if he had made a formal agreement to that effect.

In this disclosure the committee are not able to resist the inference that in the beginning of the revolutionary movement against the government of the United States there were relations of an extremely friendly character between those who contemplated rebellion and those whose duty it was to suppress it. We cannot but regard it as a most extraordinary fact that parties notoriously contemplating the disruption of the government should beforehand stipulate with its executive authority in respect to the most convenient and least dangerous mode for making the rebellion successful. While the President has avowed his determination to execute the laws, he does not seem to have regarded treason to the Constitution of the United States, contemplated and existing, as among the crimes condemned by the laws of the land and deserving punishment.

That crime, the highest known to the laws of the world, appears in our history to have assumed a milder form, to be treated with marked tenderness by the authorities of the government against which the crime is perpetrated. We do not think the history of any government furnishes in this respect any parallel to the policy of our own; and we cannot believe that any government, however powerful, can long survive the inauguration of and persistence in such a policy. We therefore regard it our duty to condemn, in the most emphatic terms, the course pursued by the President in recognizing or substantially holding diplomatic communication with the rebellious authorities of the State of South Carolina. The dignity of the government required at least that the President should at once, and with firmness, decline all negotiations with a State in the attitude of rebellion, if the obligations of his oath did not require him to hand over such of the rebels as came within his power to the civil authorities of the United States, to be dealt with according to the forms of law.

Even while these negotiations were going on the President received information that the authorities of the State of South Carolina had seized by force Castle Pinckney, Fort Moultrie, the United States arsenal, and the custom-house and post office in the city of Charleston. Although the correspondence before us does not disclose the facts, the history of the times furnishes us with the results of this "peace policy." In several other States of the Union the authority of the government of the United States has been defied and insulted, its flag dishonored, and its property unlawfully seized. No effort has been made to defend or recover it; and now a revolutionary government, embracing

six of the States of the Union, (in all of which acts of violence against the property of the United States have been committed,) is set up in defiance of and in hostility to the government of the United States.

This revolutionary government must either be recognized or repudiated. Its independence must be acknowledged, or the persons engaged in the effort to establish it must be treated as rebels and traitors to the Constitution of the United States. To acknowledge the right of secession, or recognize the revolutionary acts growing out of it, is a surrender of the authority, power, and dignity of the government of the United States, and a substantial agreement to its destruction. We cannot believe that the American people will consent to the dissolution of the federal Union without an effort to save it, even if that effort involves a resort to all the powers which the government is able to command. That it can be preserved by peaceful negotiation and compromise does not seem probable, for in certain quarters all propositions of that character are most distinctly repudiated. The demand is made that the government of the United States shall surrender its authority, or maintain it by force of arms. We can imagine but one answer that ought to be given to such a demand, and the longer it is delayed the more disastrous may be the consequences to those who resist, as well as to those who desire to maintain, the integrity, the dignity, and the authority of the most beneficent government established since the foundation of the world.

The correspondence growing out of the mission of Colonel Hayne, "special envoy" from the State of South Carolina, communicated with the message of the 8th of February, 1861, is also before us. The object of the mission, as already stated, was to demand of the President the unconditional surrender of Fort Sumter to the authorities of the State of South Carolina, accompanied with a threat that if the demand was refused it would be taken by force of arms. The views we express as to the duty of the President in relation to the first mission apply with equal, if not greater force, to that represented by Colonel Hayne, as special envoy. If it were possible, the character of the second mission is even more insulting and offensive to the government of the United States than the first. In both instances, the President refused to accede to the demands made upon him; but, in our judgment, this fact does not remove the objections urged against the propriety of receiving or entertaining communications with any "commissioners" or "envoys" from States in the condition of actual rebellion against the government, who come, not to obtain pardon for their offences, but with demands which cannot, without disgrace and humiliation, be for one moment entertained.

Whatever consequences may follow the effort to maintain the dignity and integrity of the government of the United States, it seems impossible to contemplate the possibility of its peaceful destruction. So long as it has the power of self-preservation, there appears to be no alternative between its exercise, at whatever hazard, and a cowardly surrender, without a blow struck, upon the demand of rebels and traitors.

Your committee insist upon maintaining the dignity and exercising

the powers of the government against any who deliberately set about its destruction, or invite collision with its power or its laws.

In conclusion, the committee recommend the adoption of the following resolution:

Resolved, That in the opinion of this House the President had no constitutional power to negotiate with the representatives of the State of South Carolina for the surrender of any public property within the limits of that State, and that it is inexpedient for Congress to take any further action in relation thereto.

MINORITY REPORT.

Mr. John Cochrane, from the committee of five, to whom was referred the President's communication of the 8th ultimo, with certain instructions, and his subsequent communication of the 9th instant, presents, by leave of the House, the following minority report, upon so much of the said reference as relates to the correspondence between the President and those invested by the State of South Carolina with diplomatic character.

A recurrence to events will enable the judgment to pronounce with more certainty and justice upon the acts of the President, which seem to have irritated the patriotism and provoked the animadversion of the majority of the committee. Their startling array marshals to us a connexion of facts unparalleld, if not hitherto supposed to be without the pale of political possibility. The sovereign State of South Carolina, for causes of assumed adequacy, severed the federation bonds which embraced her, and, by inherent sovereignty, constituted herself an independent State. Were we to receive her declarations as political doctrine, and her public acts as infrangible authority, she thereby emerged from the thraldom of the confederate Union, and maintained, what she assumed, the attitude and power of a rightful independence. In pursuance of her designs, the regenerated State authenticated commissioners to treat with the President of the United States concerning mutual rights, in abeyance between them. Among those enumerated appear to have been the fortifications, arsenals, magazines, light-houses, &c., the real property of the United States, and its appurtenances, together with the values they represented. The advent of the commissioners was recognized by the President as the arrival in Washington of distinguished citizens. Their interviews with him partook of the private consideration in which they were held; and the routine of colloquial interviews might have illimitably continued, had they not been terminated by the startling intelligence, that Major Anderson, in his literal compliance with the instructions of the President, had made more secure the property of the United States in Charleston harbor, concerning which it was the intent of the commissioners to treat. This event was the signal for the first written communication from the commissioners to the President, in which they displayed a copy of their instructions and powers. The President in reply uses the following language:

"In answer to this communication I have to say, that my position as President of the United States was clearly defined in the message to Congress on the 3d instant. In that I stated that 'apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the federal government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere executive officer with the power of recognizing the dissolution of the confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign *de facto* government, involving no such responsibility. Any attempt to do this would, on his part, be a naked act

of usurpation. It is, therefore, my duty to submit to Congress the whole question in all its bearings.'

"Such is my opinion still. I could therefore meet you only as private gentlemen of the highest character, and was entirely willing to communicate to Congress any proposition you might have to make to that body upon the subject. Of this you were well aware. It was my earnest desire that such a disposition might be made of the whole subject by Congress, who alone possess the power, as to prevent the inauguration of a civil war between the parties in regard to the possession of the federal forts in the harbor of Charleston, and I therefore deeply regret that, in your opinion, 'the events of the last twenty-four hours render this impossible.'"

The import of this language cannot well be mistaken. Its assertions are to the full effect of repudiating official relations between South Carolina as a foreign government and himself as President of the United States, and a reference of the whole question to Congress. It is addressed to Robert W. Barnwell, James H. Adams, and James L. Orr, "with great personal regard," and not to the commissioners who aspired to represent the sovereignty of an independent and foreign State. It is perhaps needless, though it may be well to notice, that the representatives of South Carolina, while admitting this attitude of the President towards them, fortified the dignity of their position with the subsequent written declaration that "they felt no special solicitude as to the character in which you (the President) might recognize us, (the commissioners.") If diplomatic relations suppose a mutuality of official character, it is quite certain that the personal appearance of James Buchanan, in this correspondence, deprives it of its imputed nature. The simplest mind will not have failed to perceive that so far from an official recognition by the President of the United States of the government of South Carolina having occurred, not only was its prudence but its possibility denied, and "the whole question" was referred to the arbitrament of Congress. Indeed, to such a reference by the President, in pursuance of the intent thus expressed, is it that the majority of the committee are now empowered to pervert his declarations and acts into evidences of a censurable correspondence with a rebellious State. It is conceded that the further effusion of words upon this topic of investigation would be an extravagant expenditure of both time and labor. The simplicity of the case can in nowise detract from its strength. Its perfect symmetry of proportion commends to the public that admirable prudence which preserved unsullied from even approximate reproach the purity of the presidential character when remitting to Congress the decision of a purely constitutional question.

But we are admonished by the majority of the committee that the presidential ermine was sullied in the epistolary correspondence which at a later date occurred between Hon. J. Holt, Secretary of War *ad interim*, on the part of the government, and Hon. I. W. Hayne, envoy from the State of South Carolina, bearing a communication from the governor of that State to the President of the United States in relation to the surrender of Fort Sumter. It must be remembered that the correspondence communicated to the House in no instance discloses either personal or epistolary intercourse between the President and the envoy. Senatorial intervention diverted the latter from the prosecution of his purpose, and substituted for his a communication from

certain senators to the President upon the controverted questions. It may be well to reproduce at this point the communication referred to. It is as follows:

"SENATE CHAMBER, *January* 11, 1861.

"SIR: We have been requested to present to you copies of a correspondence between certain senators of the United States and Colonel Isaac W. Hayne, now in this city, in behalf of the government of South Carolina; and to ask that you will take into consideration the subject of said correspondence.

"Very respectfully, your obedient servants,

"BEN. FITZPATRICK.
"S. R. MALLORY.
"JOHN SLIDELL.

"His Excellency JAMES BUCHANAN,
"*President of the United States.*"

Proceeding through a constitutional channel, the subject of inquiry and demand thus unexceptionably submitted to his notice received from the President a fitting response through the Secretary of War *ad interim*. The following extract affirms the continued and careful scrupulousness with which the constitutional integrity of the chief executive officer was guarded and the dignity of the government maintained:

"In regard to the proposition of Colonel Hayne, 'that no re-enforcements will be sent to Fort Sumter in the interval, and that public peace will not be disturbed by any act of hostility towards South Carolina,' it is impossible for me to give you any such assurances. The President has no authority to enter into such an agreement or understanding. As an executive officer, he is simply bound to protect the public property, so far as this may be practicable; and it would be a manifest violation of his duty to place himself under engagements that he would not perform this duty either for an indefinite or a limited period. At the present moment, it is not deemed necessary to re-enforce Major Anderson, because he makes no such request, and feels quite secure in his position. Should his safety, however, require re-enforcements, every effort will be made to supply them.

"In regard to an assurance from the President 'that public peace will not be disturbed by any act of hostility towards South Carolina,' the answer will readily occur to yourselves. To Congress, and to Congress alone, belongs the power to make war, and it would be an act of usurpation for the Executive to give any assurance that Congress would not exercise this power, however strongly he may be convinced that no such intention exists."

It is not possible that a more successful refutation of the charge against the President of diplomatic intercourse with representatives accredited from the State of South Carolina could be either constructed or imagined. With characteristic care even the remotest advances to such a consummation were distinctively repelled. The most casual conversations were rescued from perversion by remarkable precautions, and the self-imposed restraint of South Carolina was the result rather of the influences of her citizens than of any assurances alledged to have been given by the Executive. In the whole course of the published correspondence it will be impossible to detect the most trifling deviation from the earliest annunciation by the President in his message to Congress at its opening, of his intention to defend with the whole power of the government its property, and to conserve its rights with all his constitutional vigor. The ardent inspirations of an uncalculating zeal have denounced as timidity these dictates of sobriety; impulsive impetuosity has derided them, and the ungenerous impulses of political hostility have visited upon them the invectives of acrimonious controversy. But the sober sense of the

public will inevitably prevail over these factitious stimulants of all its factious discord. Ultimately will be recognized and acknowledged the prescient wisdom which palliated the shock of disunion by positive preservation of peace, which preserved from desolation by barricading the paths of blood, and wooed the occasion for conciliation, compromise and adjustment by the counsels of moderation and peace. That the evening light still lingers in the parting day, and that to a people's prayers and hopes the night hath not yet come, may with truth be ascribed to the equable action of the President. It is to be regretted that the stridulous cry of partisan politics penetrates through and rises above the dismal moan of a dissolving republic. It is sad to think how reproaches exhaust the energies, and invectives occupy the faculties, that a less disordered temperament or a more equally poised intellect would have devoted to harmonious co-operation, and have crowned with national preservation. It is, however, to be entertained as one—not the least alarming—of the current expositions of the day; and the philosophic observer, however he be depressed by the reflection, will not probably err in his estimate of the hopelessness of our condition when including this among the signs and wonders of the latter days. I would not willingly encourage by defending the delinquency of any public officer. The more elevated his position, the greater should be the exactions upon his virtue and capacity. But the distressing proneness of the professional party critic to detract from official virtue, and the tendency of party spirit to defame political adversaries, should be indicated in their inception, and be transfixed with the public reprobation. I do not apply these reflections to the report of the majority of the committee, but I am clearly of opinion that their remembrance would disarm its perusal of some of its baneful effects.

JOHN COCHRANE.

I concur in the conclusions and in most of the views above expressed.

L. O'B. BRANCH.

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SEIZURE OF FORTS, ARSENALS, REVENUE CUTTERS, AND OTHER PROPERTY OF THE UNITED STATES.

FEBRUARY 28, 1861.—Ordered to be printed.

Mr. HOWARD, from the select committee of five, made the following

REPORT.

The select committee of five, appointed on the 9th of January, to whom have been referred the special messages of the President and sundry other papers at different times, respectfully report:

That they have diligently considered the several matters referred to them by the House, and, under the authority conferred to "report from time to time," have heretofore submitted five special reports upon the following subjects, to wit:

1st. The protection of the public property, accompanied by a bill to provide for calling forth the militia and to accept the services of volunteers in certain cases.

2d. The collection of the revenue, with a bill.

3d. On the subject of a secret hostile organization, or conspiracy, to sieze the capital, &c.

4th. The position of the ships, resignation of naval officers, &c.

5th. On the subject of treating with persons who claim to have seceded and established independent governments within the bounds of the United States.

It now remains to consider briefly the remaining subjects intrusted to your committee. The committee have been in session nearly every day since they were appointed. Amongst the great variety of subjects before them, they have diligently considered a large number of petitions and memorials on the subject of conciliation and compromise; and whilst they earnestly desire that peace and harmony may be restored to our distracted country on the basis of justice and equality to all sections, with a full recognition of all constitutional rights and obligations, yet, in view of the fact that there are so many and so well-considered propositions already before the House, they have deemed it inexpedient to make any recommendations on the subject, and they report back all papers relating to the same.

Under the instructions of the House, the committee were to make inquiry and report as to the seizure of certain forts and arsenals, revenue cutters, and other property of the United States. The rapid

development of acts of lawless violence in a portion of the confederacy—the notoriety and undisputed character of the facts—have, perhaps, rendered exact and official inquiry less important than could have been anticipated on these subjects All the information the committee deemed necessary has been obtained in the form of communications from the executive departments of the government, and are herewith communicated. But in proportion as the necessity of proof of their existence has diminished, the consideration of their magnitude and importance has been rendered difficult and more imperative. The state of things, whether we call it secession, rebellion, or revolution, considered in its magnitude and character, presents questions unsurpassed in importance by any ever presented to this or any other government. It becomes a question of existence to the government, and involves not only the happiness of the 31,000,000 of our own present population, but of more than ten times that number of their unborn descendants, and the hopes of the friends of free government throughout the world. It is time for the American Congress to consider what the civilization of the world, the hopes of mankind, and the spirit of the fathers hovering over us, expect us to do. One of the most remarkable things ever developed in the history of any country is the steadiness, uniformity, and power of the ratio of the increase of our population. For seventy years it has scarcely changed, and is as strong to-day, on a basis of 30,000,000, as it was when we had but 5,000,000 of inhabitants. It doubles our population once in twenty-five years. Could we conceive it possible for this same ratio to continue for twice seventy years more, the year anno Domini 2000 would find within our present bounds 1,600,000,000 of people. The question as to what shall be the condition of this vast multitude, and whether the spirit of anarchy, lawlessness, and violence on the one hand, or of oppression and tyranny on the other, shall prevent, under the inevitable laws of population, their existence at all, and turn this heritage into a barren waste, may well lead us to pause and consider, and when we have discovered our duty, apply ourselves to its discharge with unceasing fidelity and with unflinching firmness. Hitherto our progress is without a parallel. And whatever may be the fate of the republic, if it shall crumble into dust by the folly and madness of the hour, not only unchecked, but permitted, and even aided by the rashness on the one hand, or imbecility on the other, of those who exercise brief authority in its different departments, the memorials of its greatness and beneficence, its glory and renown, of the hopes and fears that have hitherto clustered around it, and the disinterested patriotism and the sterling virtues of its founders, are at least secure. So much is safe. Their genial influence will ever continue to be felt and bless our race till time shall end. What, then, is secession? This question forces itself upon our attention at every step. Either in its legal or constitutional aspect, or in its revolutionary character, or in the fearful consequences of its unchecked progress, its meets us at every step; it shapes all policy; it imposes new and imperative duties; and since it threatens the existence of the government itself, its treatment should command the wisdom and patriotism of the nation.

Self-preservation is the first law of a nation. The power to defend its implements of self-preservation is one of the clearest of all its powers. We cannot conceive of a nation without the power to build and defend forts and all implements of war within its own jurisdiction. And yet secession claims to have seized, within sixty days, fourteen forts, costing $5,580,858, and mounting 1,124 guns. These forts are not only held against the United States, but two others are closely besieged, and assault is every day threatened. The arsenals, the arms, the revenue cutters, the custom-houses, the post offices, the mints, the money, and even the hospitals of the United States are seized and held with impunity. The operations of commerce are impeded. Seven States claim to have released themselves from all constitutional obligations; to have disrupted the government, and formed a new and independent confederacy in the bounds of the United States, all in the name of secession; and yet we are told secession is not only a peaceful but a constitutional remedy; as if the Constitution had provided for its own destruction by an inconsiderable fraction of the power that made it.

To show the utter baselessness of this claim as a constitutional remedy, it is only necessary to consider that the ordinance of secession, in any one of the States, can by no possibility rise higher, as a sovereign act of the State, than a State constitution adopted by an organic convention. If we concede all possible regularity and formality in the convention, and the fullest sanction of the people of the State to the ordinance of secession, it is still no higher than the organic law of the State; just high enough, in fact, to be subordinate to the Constitution of the United States. Article 6, section 1, of the Constitution, declares:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution [ordinance of secession] or laws of any State to the contrary notwithstanding."

The committee content themselves with this simple statement, to show the unconstitutionality of the whole proceeding.

It is also clear that the claim is destructive of the first principles of government in every form; for the rightful powers of governments are made up of such individual natural rights as have been surrendered by individuals for the purpose of obtaining from the governments thus created security and protection for their remaining rights. The powers of a State in the Union are derived from the individuals of the State. Hence the maxim of our fathers: "All governments derive their just powers from the consent of the governed." Whether we consider the government of the United States as a compact between the States, or as a Union of the whole people, secession is equally illegal and absurd, and equally destructive of the first principles of all government. If our government be only a compact between the States, the States, in forming the compact, exercised only such power as they had derived from the people; and if a State may resume the power—that is, secede—it follows irresistibly that each individual of the State may resume his sovereignty, even while marching to the gallows, and all laws be

practically nullified, and government rendered impossible. Secession, if admitted, would not only destroy the noble fabric of our fathers, but plunge the world into barbarism and anarchy by rendering all government impossible.

The committee therefore adopt the language of President Buchanan, in his last annual message, that "secession is revolution; it may be justifiable revolution, but it is, nevertheless, revolution." In the language of President Jackson, "It is incompatible with the existence of the Union; contradicted by the letter of the Constitution; unauthorized by its spirit; inconsistent with every principle on which it was founded; and destructive of the great objects for which it was formed."

Since secession is thus hostile to the existence of the government, and self-preservation is the highest duty of every government, it follows in the present emergency that "the duties of the government become the measure of its powers. And whenever it fails to exercise the power necessary and proper to the discharge of the duty prescribed by the Constitution, it violates the public trust not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties," (imposed by the present condition of the country,) "however painful the performance may be, and thereby tacitly permit the rightful authority of the government to be contemned, and its laws obstructed by a single State, would neither comport with its own safety, nor the rights of the great body of the American people."

But when the secessionists are driven to admit that it has no legal basis, the ever-ready reply is, that we have no power to coerce a State. This only creates a false issue, and diverts attention from the true one.

This was so clearly stated in a recent debate by a distinguished senator that the committee adopt his language as their own.

His statement may be deemed the more important from his supposed connexion with the incoming administration.

"The President says that no State has a right to secede, but we have no constitutional power to make war against a State. The dilemma results from an assumption that those who, in such a case, act against the federal government, act lawfully as a State; although manifestly they have perverted the power of the State to an unconstitutional purpose. A class of politicians in New England set up this theory and attempled to practice upon it in our war with Great Britain. Mr. Jefferson did not hesitate to say that States must be kept within their constitutional sphere by impulsion, if they could not be held there by attraction. Secession was then held to be inadmissible in the face of a public enemy. But if it is untenable in one case, it is necessarily so in all others. I fully admit the originality, the sovereignty, and the independence of the several States within their sphere. But I hold the federal government to be equally original, sovereign, and independent within its sphere. And the government of the State can no more absolve the people residing within its limits from allegiance to the Union, than the government of the Union can absolve them from allegiance to the State. The Constitu-

tion of the United States, and the laws made in pursuance thereof, are the supreme law of the land, paramount to all legislation of the States, whether made under the Constitution, or by even their organic conventions. The Union can be dissolved, not by secession, with or without armed force, but only by the voluntary consent of the people of the United States, collected in the manner prescribed by the Constitution of the United States."

But however baseless secession may be in a legal or constitutional aspect, however destructive of the great principles upon which all government rests, it is nevertheless an existing fact, as a revolutionary movement of vast proportions, involving the interests of our own people, the existence of the government, and the hopes of mankind. It is multiplying its acts of hostility daily; it is enlarging its claims of sovereignty; it has declared seven of the States independent nations; it has organized six of them into a separate confederacy within our own bounds; and, by claiming exclusive jurisdiction, it denies the authority and contemns the laws and treaties of the United States.

What, then, is the duty of the government in the existing emergency? To what extent does it possess the powers to meet it? These questions force themselves upon our attention at every step. Perhaps the first duty is to ascertain the causes of the disaffection and revolutionary movement, so that, if it be possible, the causes of discontent may be removed, and the integrity of the Union and the peace of the country restored. These States claim that their rights have been infringed, and their peace and equality threatened; not because of anything that the government has done or proposed to do, (for it has been substantially under their control,) but because of certain legislation upon the statute books of other States, and a spirit of hostility towards the institutions of the south alleged to exist in the northern States.

It is conceded that the right of revolution is a sacred right of the people. But in our system of government it is not a right that pertains to the State. The powers of the State government are clear and distinct from those of the general government, each designed to move in its own sphere, and it is impossible to suppose that the one has the right of revolution against the other. It might as well be alleged that the State of South Carolina had the right of revolution against the government of Great Britain as against the government of the United States, acting within its prescribed limits. But if, for the sake of the argument, the right of revolution as pertaining to State is conceded to any one of the 34 States, this necessarily implies the right on the part of the 33 remaining States to canvass the propriety of its exercise, and to resist it by their combined power, inasmuch as it involves interests common to all.

"In this view, it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to pre-exist, and cannot be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds freely and voluntarily entered into, and in which the interests and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, those principles are acknowledged to create a sacred

obligation. And in compacts of civil governments, involving the liberty and happiness of millions of mankind, the obligation cannot be less."

If these States had no real grievance, they could have no right of revolution. If causes of grievance exist, they must necessarily exhaust all peaceful and constitutional remedies before they could ask the adhering States to allow the exercise of a revolutionary right on their part.

What are the alleged causes of grievance? Mainly the legislation of other States, and the alleged hostility of their people against the institutions of a portion of the States. While the legislation of some of the States, called "personal liberty bills," has been treated as a serious grievance, it is a singular fact that no effort has been made to bring any one of those laws to the judicial test provided by the Constitution; nor, so far as your committee are aware, has any one case ever arisen in which the enforcement of their rights has been obstructed by any of these laws. How, then, do they furnish cause of revolution?

Nor are your committee able to persuade themselves that the hostility to the institutions of the south, on the part of the people of the north, is greater now than it was twenty-five years ago, or that they demand any legislation on the part of Congress in regard to slavery that was not common to, and the recognized policy of, each of the first twelve administrations under the Constitution. But even if we concede all that is claimed, still the fact forces itself upon our attention that no attempt has been made on the part of the disaffected States, or those who sympathize with them, to change the Constitution or to meet the people of the adhering States in a national convention to secure a peaceful separation.

So far from all possible means of redress, short of revolution, having been resorted to and exhausted, not one of the steps that must necessarily precede the rightful exercise of revolution has been taken. While conservative and loyal citizens have earnestly sought conciliation and compromise, the secessionists have been loudest in their denunciations of all attempts at reconciliation. They declare the government is dissolved, and scout the efforts of their sympathizers and natural allies for reconstruction.

One of the great sources of trouble would seem to be the proper disposition of the territories of the United States. And yet all the territories which they claim for the use and occupation of their system of labor are already under organic laws adopted as compromises but ten years since, and mainly at their own dictation.

The true explanation of all this difficulty was disclosed in the debates in the South Carolina convention, immediately after the adoption of the ordinance of secession, on the 20th of December, 1860. One member arose in his place and declared: "We have this day consummated the work of forty years." To which another member responded: "We have pulled down the temple of one government, and we must now construct another." Our government has existed in its present form for seventy-two years; and if treason has been festering for more than forty years of that time, it will hardly do to attribute the present difficulties to the state of public sentiment in the

other portion of the confederacy. Whilst it is true that many patriotic and loyal citizens in those States have been excited to madness and frenzy, and have voted for secession under a total misapprehension produced by the grossest misrepresentations, your committee are forced to believe that hostility to the government has long existed, and has become wide-spread throughout those States. Perhaps one-third of those who voted for secession did so under the belief that it was the intention of the incoming administration to seek to overthrow slavery within the bounds of the States, by the power of the general government as it is, or to force such amendments of the Constitution as would accomplish it.

It is nevertheless true that not one intelligent man who voted for Mr. Lincoln can be found who ever dreamed or desired such a thing, or would tolerate it if possible. Inded the freedom of the free States rests upon the exercise of the sovereignty of their States ; the slavery of the slave States rests equally upon the exercise of the sovereignty of their States. To permit the abolition of slavery in any one of the slave States, by the power of the general government, would be to admit its right to establish it in all the free States. Against this the whole body of the northern people are unalterably opposed ; and so far from seeking the exercise of any such power in the slave States, it would meet from them the sternest resistance.

The execution of the fugitive slave law has been a source of contention. But the President informs us in his message that the law has been executed in every contested case during his administration. At all events, if the amendment should be adopted which has been reported by the committee of thirty-three, and which is now before the House, the law would be rendered more effective to secure the rights of the south, while it would be far less odious to the people of the north. Be this as it may, it has been demonstrated that the percentage of loss on runaway slaves is less than that on horses or any other property. Viewed with reference to the aggregate value of that species of property, the loss is indeed very small.

Some difficulty in regard to the rendition of fugitives from justice, growing out of local statutes, has arisen. But it would seem to be of easy adjustment, and it is almost the only remaining grievance.

When we consider that no effort has been made to secure a peaceful separation of the States under this government, by the assent of the people in their sovereign capacity, but instead there have been acts of revolution, hostility to the government, the seizure of its forts, the robbery of its treasure, the exclusion of its jurisdiction, and preparations for war, your committee are forced to the conclusion that the difficulties growing out of the existence of slavery, however viewed by the common people, are, so far as the leaders of this revolutionary movement are concerned, but a mere pretence, their real object being to overthrow the government, that a separate southern confederacy of a military character might arise upon its ruins.

What, then, is the duty of the government under these circumstances? As the Constitution is the paramount law of the land, so it must be the sole guide of every department of the government in meeting the present emergency. Studiously avoiding the exercise of

all new or doubtful powers in legislation, all approaches to forced judicial constructions or of executive usurpations, the government must proceed to discharge its constitutional obligations with moderation, with prudence, with wisdom, but with unswerving steadiness and firmness. To this course every officer of the government is impelled by the sanctions of his oath, by the sacred memories of our fathers, by the past glories of the model republic of all past time, by the hopes and interests of the teeming millions of our present population, and of all that are to come after us.

The great feature of our system is, that the people make the laws, and that they obey the laws which they themselves have made. Hence "the government will appeal to that political sense which exhorts obedience to the laws of the country as the highest duty of the citizen. It will appeal to the moral power in the community. If that appeal be in vain, it will appeal to the judiciary. If the mild arm of the judiciary be not sufficient to execute the laws, it will call out the civil force to sustain the laws. If that be insufficient, God save and protect us from the last resort!" If the evil then come, the responsibility will not be upon the government. "The Executive must take care that the laws be faithfully executed." The Congress must "provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" "to make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the government of the United States, or in any department or officer thereof." The Constitution makes no provision for releasing any of its officers or agents from the obligations of the oath it requires them to take. However painful the duty thereby imposed upon them may be, it cannot be omitted without involving the destruction of the government, and incurring the guilt of perjury.

Nor can there be any heed given to any one of the false and deceitful issues attempted to be raised, such as coercing a State—making war upon a State. All these pleas are fallacious, deceitful, and false, if not traitorous. The government will act only in the strict line of duty in the discharge of its constitutional functions and obligations, and whatever force it may attempt or use will be strictly on the defensive. Woe to those individuals or combination of individuals who shall persistently violate their constitutional obligations, and expect protection from a State when no State can rightfully act in the premises.

The sovereign people of this country have seen fit to embrace all the powers of government in two organic forms—a national Union for national purposes, with limited and well defined powers and duties, and State governments for local purposes. In theory, at least, they cannot conflict with each other, for the reason the powers of the federal government are clearly defined by a written Constitution, which is made supreme in its own sphere, the highest manifestations of State sovereignty to the contrary notwithstanding. So long as the general government confines itself to its constitutional functions, it is absurd, if not treasonable, to characterize the execution of its laws as the coercion of a State. Nay, more; if any State, forgetful of its

just rights and duties, go outside of its own proper sphere to obstruct the due execution of the laws of the Union, by that very act it attempts to coerce the general government from the exercise of its constitutional powers in the discharge of duties rendered imperative by the Constitution. Should collision ensue, the government will be acting clearly in the defensive. It will neither coerce a State nor make war upon it. But if it fail to execute its own laws to the extent of the power conferred, it will be recreant to the highest trust ever conferred by any people, disappoint the hopes of a world, and destroy its own existence. The course of the government cannot be doubtful nor the result uncertain. Should the claims of the secessionists be admitted, and the *deceitful dogmas* of coercion obtain the indorsement of the people, the revolutionists and their apologists and allies would prove themselves, in the language of the Constitution's greatest defender, "the most skilful 'architects of ruin,' the most effectual extinguishers of high-raised expectations, the greatest blasters of human hopes, which any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half of the human race, that the last great experiment of representative government had failed."

"Millions of eyes of those who now feed their inherent love of liberty on the success of the American example would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amidst the incantations and orgies of secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty."

But no such *mad schemes* can receive the indorsement of the great body of the American people. We are not Mexicans. We are unaccustomed to violent disruptions and peaceful reconstructions of our government. The Anglo-Saxon race do not throw away the greatest of all possible benefits in a mere fit of frenzy. If it required forty years to make the people of the first of the seceding States fully disloyal to the Union, a hundred will not suffice for the great body of the American people to forget their revolutionary sires, the rich inheritance bequeathed by them, the glorious flag of the Union, or even the slumbering dust of their Washington.

The people will sustain their own government, and hold it to the strict line of its constitutional duty. Ever holding the olive branch of peace and conciliation before the emblems of its power, it will meet its stern responsibilities; with firm purpose and a steady hand it will rise above all difficulties and fulfil the highest mission of any government on earth.

The committee kept a regular journal, and it is hereby reported to the House. The committee report sundry official communications from the heads of executive departments, and ask that they, with the journal, be printed. All of which is respectfully submitted.

Journal of select committee of five, appointed January 9, 1861, to whom was referred the special message of the President dated January 8, 1861.

WASHINGTON CITY, D. C.,
Friday, January 11, 1861.

The select committee of five, to whom was referred the special message of the President of the United States received by the House of Representatives January 9, 1861, met pursuant to the call of the chairman, Mr. William A. Howard.

Present: the Chairman, L. O'B. Branch, of North Carolina, H. L. Dawes, of Massachusetts, and John Cochrane, of New York.

Proceeded to consider the following message from the President of the United States:

To the Senate and House of Representatives:

At the opening of your present session I called your attention to the dangers which threatened the existence of the Union. I expressed my opinion freely concerning the original causes of these dangers, and recommended such measures as I believed would have the effect of tranquillizing the country and saving it from the peril in which it had been needlessly and most unfortunately involved. Those opinions and recommendations I do not propose now to repeat. My own convictions upon the whole subject remain unchanged.

The fact that a great calamity was impending over the nation was even at that time acknowledged by every intelligent citizen. It had already made itself felt throughout the length and breadth of the land. The necessary consequences of the alarm thus produced were most deplorable. The imports fell off with a rapidity never known before, except in time of war, in the history of our foreign commerce; the treasury was unexpectedly left without the means which it had reasonably counted upon to meet the public engagements; trade was paralyzed; manufactures were stopped; the best public securities suddenly sunk in the market; every species of property depreciated more or less; and thousands of poor men, who depended upon their daily labor for their daily bread, were turned out of employment.

I deeply regret that I am not able to give you any information upon the state of the Union which is more satisfactory than what I was then obliged to communicate. On the contrary, matters are still worse at present than they then were. When Congress met, a strong hope pervaded the whole public mind that some amicable adjustment of the subject would speedily be made by the representatives of the States and of the people, which might restore peace between the conflicting sections of the country. That hope has been diminished by every hour of delay; and as the prospect of a bloodless settlement fades away, the public distress becomes more and more aggravated. As evidence of this it is only necessary to say that the treasury notes authorized by the act of 17th December last were advertised, according to the law, and that no responsible bidder offered to take any considerable sum at par at a lower rate of interest than twelve per cent.

From these facts it appears that, in a government organized like ours, domestic strife, or even a well-grounded fear of civil hostilities, is more destructive to our public and private interests than the most formidable foreign war.

In my annual message I expressed the conviction, which I have long deliberately held, and which recent reflection has only tended to deepen and confirm, that no State has a right by its own act to secede from the Union, or throw off its federal obligations at pleasure. I also declared my opinion to be that, even if that right existed and should be exercised by any State of the confederacy, the executive department of this government had no authority under the Constitution to recognize its validity by acknowledging the independence of such State. This left me no alternative, as the chief executive officer under the Constitution of the United States, but to collect the public revenues and to protect the public property so far as this might be practicable under existing laws. This is still my purpose. My province is to execute, and not to make, the laws. It belongs to Congress, exclusively, to repeal, to modify, or to enlarge their provisions, to meet exigencies as they may occur. I possess no dispensing power.

I certainly had no right to make aggressive war upon any State, and I am perfectly satisfied that the Constitution has wisely withheld that power even from Congress. But the right and the duty to use military force defensively against those who resist the federal officers in the execution of their legal functions, and against those who assail the property of the federal government, is clear and undeniable.

But the dangerous and hostile attitude of the States towards each other has already far transcended and cast in the shade the ordinary executive duties already provided for by law, and has assumed such vast and alarming proportions as to place the subject entirely above and beyond executive control. The fact cannot be disguised that we are in the midst of a great revolution. In all its various bearings, therefore, I commend the question to Congress, as the only human tribunal, under Providence, possessing the power to meet the existing emergency. To them, exclusively, belongs the power to declare war, or to authorize the employment of military force in all cases contemplated by the Constitution; and they alone possess the power to remove grievances which might lead to war, and to secure peace and union to this distracted country. On them, and on them alone, rests the responsibility.

The Union is a sacred trust left by our revolutionary fathers to their descendants; and never did any other people inherit so rich a legacy. It has rendered us prosperous in peace and triumphant in war. The national flag has floated in glory over every sea. Under its shadow American citizens have found protection and respect in all lands beneath the sun. If we descend to considerations of purely material interest, when, in the history of all time, has a confederacy been bound together by such strong ties of mutual interest? Each portion of it is dependent on all, and all upon each portion, for prosperity and domestic security. Free trade throughout the whole supplies the wants of one portion from the productions of another, and scatters wealth everywhere. The great planting and farming States require the aid of the

commercial and navigating States to send their productions to domestic and foreign markets, and to furnish the naval power to render their transportation secure against all hostile attacks.

Should the Union perish in the midst of the present excitement, we have already had a sad foretaste of the universal suffering which would result from its destruction. The calamity would be severe in every portion of the Union, and would be quite as great, to say the least, in the southern as in the northern States. The greatest aggravation of the evil, and that which would place us in the most unfavorable light both before the world and posterity is, as I am firmly convinced, that the secession movement has been chiefly based upon a misapprehension at the south of the sentiments of the majority in several of the northern States. Let the question be transferred from political assemblies to the ballot-box, and the people themselves would speedily redress the serious grievances which the south have suffered. But, in Heaven's name, let the trial be made before we plunge into armed conflict upon the mere assumption that there is no other alternative. Time is a great conservative power. Let us pause at this momentous point and afford the people, both north and south, an opportunity for reflection. Would that South Carolina had been convinced of this truth before her precipitate action! I therefore appeal through you to the people of the country to declare in their might that the Union must and shall be preserved by all constitutional means. I most earnestly recommend that you devote yourselves, exclusively, to the question how this can be accomplished in peace. All other questions, when compared with this, sink into insignificance. The present is no time for palliations; action, prompt action, is required. A delay in Congress to prescribe or to recommend a distinct and practical proposition for conciliation may drive us to a point from which it will be almost impossible to recede.

A common ground on which conciliation and harmony can be produced is surely not unattainable. The proposition to compromise by letting the north have exclusive control of the territory above a certain line, and to give southern institutions protection below that line, ought to receive universal approbation. In itself, indeed, it may not be entirely satisfactory; but when the alternative is between a reasonable concession on both sides and a destruction of the Union, it is an imputation upon the patriotism of Congress to assert that its members will hesitate for a moment.

Even now the danger is upon us. In several of the States which have not yet seceded the forts, arsenals and magazines of the United States have been seized. This is by far the most serious step which has been taken since the commencement of the troubles. This public property has long been left without garrisons and troops for its protection, because no person doubted its security under the flag of the country in any State of the Union. Besides, our small army has scarcely been sufficient to guard our remote frontiers against Indian incursions. The seizure of this property, from all appearances, has been purely aggressive, and not in resistance to any attempt to coerce a State or States to remain in the Union.

At the beginning of these unhappy troubles I determined that no

act of mine should increase the excitement in either section of the country. If the political conflict were to end in a civil war, it was my determined purpose not to commence it, nor even to furnish an excuse for it by any act of this government. My opinion remains unchanged, that justice as well as sound policy requires us still to seek a peaceful solution of the questions at issue between the north and the south. Entertaining this conviction, I refrained even from sending re-enforcements to Major Anderson, who commanded the forts in Charleston harbor, until an absolute necessity for doing so should make itself apparent, lest it might unjustly be regarded as a menace of military coercion, and thus furnish, if not a provocation, at least a pretext for an outbreak on the part of South Carolina. No necessity for these re enforcements seemed to exist. I was assured by distinguished and upright gentlemen of South Carolina that no attack upon Major Anderson was intended, but that, on the contrary, it was the desire of the State authorities, as much as it was my own, to avoid the fatal consequences which must eventually follow a military collision.

And here I deem it proper to submit, for your information, copies of a communication dated December 28, 1860, addressed to me by R. W. Barnwell, J. H. Adams, and James L. Orr, "commissioners" from South Carolina, with the accompanying documents, and copies of my answer thereto, dated December 31.

In further explanation of Major Anderson's removal from Fort Moultrie to Fort Sumter, it is proper to state that, after my answer to the South Carolina "commissioners," the War Department received a letter from that gallant officer, dated December 27, 1860, the day after this movement, from which the following is an extract.

"I will add, as my opinion, that many things convinced me that the authorities of the State designed to proceed to a hostile act."

Evidently referring to the orders, dated December 11, of the late Secretary of War:

"Under this impression, I could not hesitate that it was my solemn duty to move my command from a fort which we could not probably have held longer than forty-eight or sixty hours to this one, where my power of resistance is increased to a very great degree."

It will be recollected that the concluding part of these orders was in the following terms:

"The smallness of your force will not permit you, perhaps, to occupy more than one of the three forts; but an attack on or attempt to take possession of either one of them will be regarded as an act of hostility, and you may then put your command into either of them which you may deem most proper to increase its power of resistance. You are also authorized to take similar defensive steps whenever you have tangible evidence of a design to proceed to a hostile act."

It is said that serious apprehensions are, to some extent, entertained, in which I do not share, that the peace of this District may be disturbed before the 4th of March next. In any event, it will be my duty to preserve it, and this duty shall be performed.

In conclusion, it may be permitted to me to remark that I have often warned my countrymen of the dangers which now surround us. This may be the last time I shall refer to the subject officially. I feel

that my duty has been faithfully, though it may be imperfectly performed; and whatever the result may be, I shall carry to my grave the consciousness that I at least meant well for my country.

JAMES BUCHANAN.

WASHINGTON CITY, *January* 8, 1861.

WASHINGTON, *December* 28, 1860.

SIR: We have the honor to transmit to you a copy of the full powers from the convention of the people of South Carolina under which we are "authorized and empowered to treat with the government of the United States for the delivery of the forts, magazines, light-houses, and other real estate, with their appurtenances, within the limits of South Carolina; and also for an apportionment of the public debt, and a division of all other property held by the government of the United States as agent of the confederated States of which South Carolina was recently a member; and generally to negotiate as to all other measures and arrangements proper to be made and adopted in the existing relations of the parties, and for the continuance of peace and amity between this Commonwealth and the government at Washington."

In the execution of this trust it is our duty to furnish you, as we now do, with an official copy of the ordinance of secession, by which the State of South Carolina has resumed the powers she delegated to the government of the United States, and has declared her perfect sovereignty and independence.

It would also have been our duty to have informed you that we were ready to negotiate with you upon all such questions as are necessarily raised by the adoption of this ordinance; and that we were prepared to enter upon this negotiation with the earnest desire to avoid all unnecessary and hostile collision, and so to inaugurate our new relations as to secure mutual respect, general advantage, and a future of good will and harmony, beneficial to all parties concerned.

But the events of the last twenty-four hours render such an assurance impossible. We came here the representatives of an authority which could at any time within the past sixty days have taken possession of the forts in Charleston harbor, but which, upon pledges given in a manner that we cannot doubt, determined to trust to your honor rather than to its own power. Since our arrival an officer of the United States, acting, as we are assured, not only without but against your orders, has dismantled one fort and occupied another, thus altering to a most important extent the condition of affairs under which we came.

Until those circumstances are explained in a manner which relieves us of all doubt as to the spirit in which these negotiations shall be conducted, we are forced to suspend all discussion as to any arrangements by which our mutual interests might be amicably adjusted.

And, in conclusion, we would urge upon you the immediate with-

drawal of the troops from the harbor of Charleston. Under present circumstances they are a standing menace, which renders negotiation impossible, and, as our recent experience shows, threatens speedily to bring to a bloody issue questions which ought to be settled with temperance and judgment.

We have the honor to be, sir, very respectfully, your obedient servants,

R. W. BARNWELL,
J. H. ADAMS,
JAMES L. ORR,
Commissioners.

The PRESIDENT *of the United States.*

The State of South Carolina.

At a convention of the people of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, and there by divers adjournments to the 20th of December in the same year:

An ordinance to dissolve the union between the State of South Carolina and other States united with her, under the compact entitled "The Constitution of the United States of America."—We, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by us in convention on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all acts and parts of acts of the general assembly of this State ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of the "United States of America," is hereby dissolved.

Done at Charleston the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty.

D. F. JAMISON,
Delegate from Barnwell and President of the Convention, and others.

Attest:

BENJAMIN F. ARTHUR,
Clerk of the Convention.

OFFICE OF SECRETARY OF STATE,
Charleston, S. C., December 22, 1860.

I do hereby certify that the foregoing ordinance is a true and correct copy, taken from the original on file in this office.

Witness my hand and the seal of the State.

[L. S.]

ISAAC H. MEANS,
Secretary of State.

The State of South Carolina, by the convention of the people of the said State.

Whereas the convention of the people of the State of South Carolina, begun and holden at Columbia, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty, and thence continued by adjournment to Charleston, did, by resolution, order: "That three commissioners, to be elected by ballot of the convention, be directed forthwith to proceed to Washington, authorized and empowered to treat with the government of the United States for the delivery of the forts, magazines, light-houses, and other real estate, with their appurtenances, within the limits of South Carolina; and also for an apportionment of the public debt, and for a division of all other property held by the government of the United States, as agent of the confederated States of which South Carolina was recently a member; and generally to negotiate as to all other measures and arrangements proper to be made and adopted in the existing relation of the parties, and for the continuance of peace and amity between this Commonwealth and the government at Washington:"

And whereas the said convention did, by ballot, elect you to the said office of commissioners to the government at Washington: Now, be it known that the said convention, by these presents, doth commission you, Robert W. Barnwell, James H. Adams, and James L. Orr, as commissioners to the government at Washington, to have, to hold, and to exercise the said office, with all the powers, rights, and privileges conferred upon the same by the terms of the resolution herein cited.

Given under the seal of the State, at Charleston, the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty.

[L. S.]

D. F. JAMISON, *President.*
ISAAC H. MEANS, *Secretary of State.*

ROBERT W. BARNWELL, JAMES H. ADAMS, and JAMES L. ORR.

Attest:

B. F. ARTHUR,
Clerk of the Committee.

WASHINGTON CITY, *December* 31, 1860.

GENTLEMEN: I have had the honor to receive your communication of the 28th instant, together with a copy of your "full powers from the convention of the people of South Carolina," authorizing you to treat with the government of the United States on various important subjects therein mentioned, and also a copy of the ordinance, bearing date on the 20th instant, declaring that "the union now subsisting between South Carolina and other States, under the name of 'the United States of America,' is hereby dissolved."

In answer to this communication, I have to say that my position as President of the United States was clearly defined in the message to Congress on the 3d instant. In that I stated that "apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the federal government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere executive officer with the power of recognizing the dissolution of the confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign *de facto* government, involving no such responsibility. Any attempt to do this would, on his part, be a naked act of usurpation. It is therefore my duty to submit to Congress the whole question in all its bearings."

Such is still my opinion, and I could therefore meet you only as private gentlemen of the highest character, and I was quite willing to communicate to Congress any proposition you might have to make to that body upon the subject. Of this you were well aware.

It was my earnest desire that such a disposition might be made of the whole subject by Congress, who alone possess the power, as to prevent the inauguration of a civil war between the parties in regard to the possession of the federal forts in the harbor of Charleston; and I therefore deeply regret that, in your opinion, "the events of the last twenty-four hours renders this impossible." In conclusion, you urge upon me "the immediate withdrawal of the troops from the harbor of Charleston," stating that, "under present circumstances, they are a standing menace which renders negotiation impossible, and, as our recent experience shows, threatens speedily to bring to a bloody issue questions which ought to be settled with temperance and judgment."

The reason for this change in yo r position is, that, since your arrival in Washington, "an officer of the United States, acting, as we (you) are assured, not only without but against your (my) orders, has dismantled one fort and occupied another, thus altering to a most important extent the condition of affairs under which we (you) came." You also allege that you came here "the representatives of an authority which could at any time within the past sixty days have taken possession of the forts in Charleston harbor, but which, upon pledges given in a manner that we (you) cannot doubt, determined to trust to your (my) honor rather than to its own power."

This brings me to a consideration of the nature of those alleged pledges, and in what manner they have been observed. In my message of the 3d of December instant I stated, in regard to the property of the United States in South Carolina, that it "has been purchased for a fair equivalent 'by the consent of the legislature of the State for the erection of forts, magazines, arsenals,' &c., and over these the authority 'to exercise exclusive legislation' has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but if in this I should prove to be mistaken, the officer in command of the forts has received orders to act strictly on the defensive. In

such a contingency the responsibility for consequences would rightfully rest upon the heads of the assailants."

This being the condition of the parties, on Saturday, December 8, four of the representatives from South Carolina called upon me and requested an interview. We had an earnest conversation on the subject of these forts and the best means of preventing a collision between the parties, for the purpose of sparing the effusion of blood. I suggested, for prudential reasons, that it would be best to put in writing what they said to me verbally. They did so accordingly, and on Monday morning, the 10th instant, three of them presented to me a paper signed by all the representatives of South Carolina, with a single exception, of which the following is a copy:

WASHINGTON, *December* 9, 1860.

In compliance with our statement to you yesterday, we now express to you our strong convictions that neither the constituted authorities nor any body of the people of the State of South Carolina will either attack or molest the United States forts in the harbor of Charleston previously to the action of the convention, and we hope and believe not until an offer has been made through an accredited representative to negotiate for an amicable arrangement of all matters between the State and the federal government, provided that no re-enforcements shall be sent into those forts, and their relative military status shall remain as at present.

JOHN McQUEEN.
WM. PORCHER MILES.
M. L. BONHAM.
W. W. BOYCE.
LAWRENCE M. KEITT.

His Excellency JAMES BUCHANAN,
President of the United States.

And here I must, in justice to myself, remark that at the time the paper was presented to me I objected to the word "provided," as it might be construed into an agreement on my part which I never would make. They said that nothing was further from their intention; they did not so understand it, and I should not so consider it. It is evident they could enter into no reciprocal agreement with me on the subject.

They did not profess to have authority to do this, and were acting in their individual character. I considered it as nothing more in effect than the promise of highly honored gentlemen to exert their influence for the purpose expressed. The event has proven that they have faithfully kept this promise, although I have never since received a line from any one of them or from the convention on the subject. It is well known that it was my determination, and this I freely expressed, not to re-enforce the forts in the harbor, and thus produce a collision, until they had been actually attacked, or until I had certain evidence that they were about to be attacked. This paper I received most cordially, and considered it as a happy omen that peace might

be still preserved, and that time might thus be gained for reflection. This is the whole foundation for the alledged pledge.

But I acted in the same manner as I would have done had I entered into a positive and formal agreement with parties capable of contracting, although such an agreement would have been on my part, from the nature of my official duties, impossible. The world knows that I have never sent any re-enforcements to the forts in Charleston harbor, and I have certainly never authorized any change to be made "in their relative military status." Bearing upon this subject, I refer you to an order issued by the Secretary of War, on the 11th instant, to Major Anderson, but not brought to my notice until the 21st instant. It is as follows:

Memorandum of verbal instructions to Major Anderson, 1st artillery, commanding Fort Moultrie, South Carolina.

You are aware of the great anxiety of the Secretary of War that a collision of the troops with the people of this State shall be avoided, and of his studied determination to pursue a course with reference to the military force and forts in this harbor which shall guard against such a collision. He has, therefore, carefully abstained from increasing the force at this point, or taking any measures which might add to the present excited state of the public mind, or which would throw any doubt on the confidence he feels that South Carolina will not attempt by violence to obtain possession of the public works or interfere with their occupancy. But as the counsel and acts of rash and impulsive persons may possibly disappoint these expectations of the government, he deems it proper that you shall be prepared with instructions to meet so unhappy a contingency. He has, therefore, directed me verbally to give you such instructions.

You are carefully to avoid every act which would needlessly tend to provoke aggression, and for that reason you are not, without evident and imminent necessity, to take up any position which could be construed into the assumption of a hostile attitude; but you are to hold possession of the forts in this harbor, and if attacked you are to defend yourself to the last extremity. The smallness of your force will not permit you, perhaps, to occupy more than one of the three forts, but an attack on or attempt to take possession of either one of them will be regarded as an act of hostility, and you may then put your command into either of them which you may deem most proper to increase its power of resistance. You are also authorized to take similar defensive steps whenever you have tangible evidence of a design to proceed to a hostile act.

D. C. BUELL,
Assistant Adjutant General.

FORT MOULTRIE, S. C.,
December 11, 1860.

This is in conformity to my instructions to Major Buell.

JOHN B. FLOYD.
Secretary of War.

These were the last instructions transmitted to Major Anderson before his removal to Fort Sumter, with a single exception in regard to a particular which does not in any degree affect the present question. Under these circumstances, it is clear that Major Anderson acted upon his own responsibility and without authority, unless, indeed, he had "tangible evidence of a design to proceed to a hostile act" on the part of the authorities of South Carolina, which has not yet been alleged. Still he is a brave and honorable officer, and justice requires that he should not be condemned without a fair hearing.

Be this as it may, when I learned that Major Anderson had left Fort Moultrie and proceeded to Fort Sumter, my first promptings were to command him to return to his former position and there await the contingencies presented in his instructions. This could only have been done with any degree of safety to the command by the concurrence of the South Carolina authorities. But before any steps could possibly have been taken in this direction we received information, dated on the 28th instant, that the "palmetto flag floated out to the breeze at Castle Pinckney, and a large military force went over last night (the 27th) to Fort Moultrie." Thus the authorities of South Carolina, without waiting or asking for any explanation, and doubtless believing, as you have expressed it, that the officer had acted not only without but against my orders, on the very next day after the night when the movement was made, seized by a military force two of the three federal forts in the harbor of Charleston, and have covered them under their own flag instead of that of the United States. At this gloomy period of our history startling events succeed each other rapidly. On the very day, the 27th instant, that possession of these two forts was taken the palmetto flag was raised over the federal custom-house and post office in Charleston; and on the same day every officer of the customs—collector, naval officer, surveyor, and appraisers—resigned their offices. And this although it was well known from the language of my message that, as an executive officer, I felt myself bound to collect the revenue at the port of Charleston under the existing laws.

In the harbor of Charleston we now find three forts confronting each other, over all of which the federal flag floated only four days ago; but now over two of them this flag has been supplanted, and the palmetto flag has been substituted in its stead. It is under all these circumstances that I am urged immediately to withdraw the troops from the harbor of Charleston, and am informed that without this negotiation is impossible. This I cannot do; this I will not do. Such an idea was never thought of by me in any possible contingency. No allusion had ever been made to it in any communication between myself and any human being. But the inference is that I am bound to withdraw the troops from the only fort remaining in the possession of the United States in the harbor of Charleston, because the officer there in command of all the forts thought proper, without instructions, to change his position from one of them to another. I cannot admit the justice of any such inference. And at this point of writing I have received information by telegraph from Captain Humphreys, in command of the arsenal at Charleston, that it "has to-day (Sunday, the

30th,) been taken by force of arms." Comment is needless. It is estimated that the property of the United States in this arsenal was worth half a million of dollars.

After this information, I have only to add that, whilst it is my duty to defend Fort Sumter, as a portion of the public property of the United States, against hostile attacks, from whatever quarter they may come, by such means as I may possess for this purpose, I do not perceive how such a defence can be construed into a menace against the city of Charleston.

With great personal regard, I remain, yours, very respectfully,
JAMES BUCHANAN.

Hons. ROBERT W. BARNWELL, JAMES H. ADAMS, JAMES L. ORR.

The committee proceeded to consider the President's message, but came to no conclusion.

The Chairman laid before the committee the following from the Clerk of the House:

THIRTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES, *January* 9, 1861.

On motion of Mr. W. A. Howard,

Resolved, That the message (this day received from the President of the United States) be referred to a special committee of five members of this House, and that they be instructed to report on the same as early as possible; and that said committee make immediate inquiry and report—

1. Whether any executive officer of the United States has been, or is now, treating or holding communication with any person or persons concerning the surrender of any forts or fortresses or other public property of the United States, and whether any demand for such surrender has been made, when, and by whom, and what answer has been given?

2. Whether any officer of this government has at any time entered into any pledge, agreement, or understanding with any person or persons not to send re-enforcements to the forts of the United States in the harbor of Charleston, and the particulars of such agreement, pledge, or understanding, when, where, and with whom it was made, and on what consideration?

3. What demand for re-enforcements of the said forts has been made, and for what reason such re-enforcements have not been furnished?

4. Where the ships of the United States are now stationed, with what commands, and with what orders?

5. Whether the custom-house, post office, arsenal, and other public buildings of the United States at Charleston have been seized and are

held in possession by any person or persons, and the particulars of such seizure and possession?

6. Whether any revenue cutter of the United States has been seized and is now held in possession by any person or persons, and the particulars thereof; and whether any efforts have been made by the head of the Treasury Department to recapture and recover possession of said vessel?

And that the committee have power to send for persons and papers and to take testimony.

Attest:

J. W. FORNEY, *Clerk.*

The Speaker appointed the following-named members to serve as the committee aforesaid:

WM. A. HOWARD..... of Michigan.
L. O'B. BRANCH.....of North Carolina.
H. L. DAWES.....of Massachusetts.
JOHN COCHRANE.....of New York.
JOHN HICKMAN.....of Pennsylvania.

THIRTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES, *January* 9, 1861.

On motion of Mr. Leake,

Resolved, That the committee of five, to whom the special message of the President of the United States was this day referred with certain instructions, be instructed also to inquire whether any of the arms of the United States at any of the arsenals or armories have recently been removed or ordered to be removed; and if so, by whose order, and for what reasons.

Attest:

J. W. FORNEY, *Clerk.*

The Chairman was instructed to enclose a copy of the foregoing resolutions to the head of each department, and to the President of the United States, and request them to communicate all the information in their power on the subjects referred to not incompatible with the public interest.

The Chairman was also instructed to ask permission of the House for this committee to employ a stenographer as clerk.

Adjourned to 11 a. m. to-morrow.

SATURDAY, *January* 12, 1861.

The committee met pursuant to adjournment. Present, the Chairman, Messrs. Branch, Dawes, and Cochrane, and John H. Reynolds, of New York, [in place of Mr. Hickman, excused by the House.]

Resumed the consideration of the President's message, but came to no conclusion.

Adjourned to 11 a. m. on Monday next.

MONDAY, *January* 14, 1861.

The committee met pursuant to adjournment. All the members present.

Resumed the consideration of the President's message.

Several verbal propositions were made.

Mr. DAWES submitted the following resolution:

Resolved, That it is the duty of the President to preserve, protect, and defend the Constitution, and faithfully to execute the laws; and that this duty extends to the use of the military and naval force defensively against those who resist the federal officers in the execution of their legal functions, and against those who assail the property of the federal government; and that, to all these ends, the President is made commander-in-chief of the entire army and navy; and that, inasmuch as it is made the duty of the President to recommend, for the consideration of Congress, any measures he may deem necessary, and none having, in this regard, been made, therefore it is the opinion of this committee that no legislation is necessary to secure the discharge of these duties of the Executive.

The committee proceeded to consider the foregoing resolution, but came to no conclusion thereon.

Adjourned to 11 a. m. to-morrow.

TUESDAY, *January* 15, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee the following papers:

From the Department of the Interior as follows:

DEPARTMENT OF THE INTERIOR, *January* 14, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing, for report thereon, copies of the two resolutions passed by the House of Representatives on the 9th instant, proposing certain inquiries concerning forts, arsenals, arms, ships, and public buildings of the United States.

Without recapitulating these several inquiries, I have the honor to say that this department is not in possession of information upon any of the topics of inquiry, with the following qualification, viz: On Saturday, the 12th instant, a few muskets and revolvers, with a present supply of ammunition for the same, were obtained from the Washington arsenal, under authority of an order issued to the commandant, upon my application, by the direction of the Secretary of War *ad interim*, to arm the watchmen for the protection of the building occupied by this department.

I am, sir, very respectfully, your obedient servant,

MOSES KELLY,
Acting Secretary.

Hon. WM. A. HOWARD,
Chairman of Committee of Investigation, House of Reps.

From the Clerk's office the following:

Resolution offered by Mr. Maynard, and referred by the House to the special committee of five upon the President's message:

Resolved, That the select committee, to whom was referred the President's special message of the 8th instant, be, and they are hereby, instructed to consider that portion of said message which recommends a reference to the vote of the people of the questions at issue between the different sections of the country, and now agitating the public peace and threatening the speedy dissolution of the government, and to report thereon at an early day either by bill or joint resolution.

Joint resolution offered by Mr. Garnett; read twice, and referred by the House to select committee, &c.:

JOINT RESOLUTION to suspend the execution of the federal laws within certain States.

Be it resolved, &c., That the President is authorized and required to issue his proclamation declaring all federal laws suspended in the States of South Carolina and Mississippi, and in any other State which has or may have declared, by a convention of its people, that its connexion with the federal Union is dissolved, such suspension to continue until the further order of Congress.

2. That the President shall, by and with the advice and consent of the Senate, appoint three commissioners to visit every such State, and, by communication with its convention, ascertain on what basis the present difficulties can be harmoniously settled.

House bill by Mr. McKean; read twice and referred:

A BILL to repeal so much of "An act to regulate the collection of duties," &c., approved March 2, 1799, as makes certain ports in the State of South Carolina ports of entry.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Congress assembled*, That section thirteen of "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799, and which section reads as follows, to wit: "Sec. 13. *And be it further enacted*, That in the State of South Carolina there shall be three districts, to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets, and rivers, from the boundary of North Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets, and rivers, from Cape Romain to Combahee river inclusive. And the district of Beaufort shall contain the shores, inlets, and rivers, from Combahee river to Back river, in Georgia, comprehending all the shores, inlets, and harbors, formed by the different bars and sea islands lying within each district respectively; and a collector, naval officer, and surveyor shall be appointed to reside at Charleston, and a collector at each of the other ports," be, and the same hereby is, repealed.

Resolution adopted by the House, on motion of Mr. Howard, of Michigan:

Resolved, That the special committee of five, to whom was referred the President's message on the 9th instant, be authorized to employ a reporter to act as clerk of said committee, at the usual rate of compensation.

The Chairman stated that the first business in order was the consideration of the resolution offered by Mr. Dawes on yesterday.

Mr. DAWES said that he did not offer his resolution for the purpose of having it specially acted upon at present, but merely as an expression of his views.

The Chairman said it probably would be as well for Mr. Branch and Mr. Cochrane to reduce to writing the ideas they had verbally stated to the committee, that they might also be placed on record.

Accordingly Mr. BRANCH prepared and submitted the following:

Resolved, That for the purpose of avoiding all occasion for the use of force to execute the laws, and to remove, as far as possible, the danger of civil war breaking out pending the deliberations of Congress on the present unsettled state of public affairs, it is expedient to recommend the passage of an act suspending for a limited time all the laws of the United States within those States which have already, or which may, during such limited time, adopt ordinances of secession; suitable provision being made to prevent the introduction of dutiable goods into the States which have not adopted such ordinances without the payment of duties.

Mr. COCHRANE prepared and submitted the following:

That it is the duty of the federal government to protect the federal property, wherever located, and under all circumstances; that an attack upon, or seizure of the forts, magazines, arsenals, dock yards, navy yards, custom-houses, post offices, &c., or any of them, the property of the federal government, is a violation of such property, and an infraction of the sovereignty of the federal government, which would warrant the employment of an adequate force to redress; but believing that the employment directly of such a force would, at the present juncture of affairs, inflame and exasperate, it is further submitted that it were better, if possible, to adopt some measure which, while vindicatory and restraining in its effects, will not be chargeable with retaliatory violence; and therefore, as well to testify a proper sense of the indignity offered to the federal flag as to provide for revenue exigencies, he proposes that so much of the revenue laws of 1799 as makes Georgetown, Charleston, and Beaufort, in the State of South Carolina, ports of entry, be repealed.

The committee then resumed the consideration of the President's message.

Mr. REYNOLDS submitted verbally for the consideration of the committee the proposition to recommend to Congress the passage of a law authorizing the President of the United States, whenever in his

opinion the interests of the revenue laws and the public service required it, by proclamation, to abolish any port of entry in the United States, and to confer upon him the power to employ so much of the land and naval forces of the United States as may be necessary to prevent smuggling in the regions where the ports of entry so abolished may have been situated; said ports of entry to be restored by proclamation when the exigency requiring their abolition, in the opinion of the President, shall no longer exist.

After discussion, without coming to any conclusion, Mr. Reynolds was requested to reduce his proposition to writing, and to submit the same to the committee at its next meeting.

William Blair Lord, of New York city, was appointed reporter to the committee.

The Chairman was authorized to administer the following affirmation to Mr. Lord, the reporter of the committee, which was accordingly done:

I, William Blair Lord, do solemnly affirm that I will support the Constitution of the United States, and to the best of my ability perform the duties of reporter and clerk to this committee, and keep its secrets.

Adjourned to 10½ a. m. to-morrow.

WEDNESDAY, *January* 16, 1861.

The committee met at 10½ a. m. pursuant to adjournment. All the members present.

Resumed the consideration of the President's message.

Mr. REYNOLDS, in pursuance of the understanding of yesterday, submitted the following bill:

A BILL in relation to ports of the United States, and to provide for the enforcement of the laws in relation to duties on imports.

Be it enacted by the Senate and House of Representatives in Congress assembled, That whenever, by the action of the authorities of any State of the United States, within the limits of which any port or ports of entry are now established or hereafter may be established by law, the collection of revenue or the enforcement of the laws in relation thereto is obstructed, or whenever, by reason of any unlawful combination of persons, it shall, in the judgment of the President, become impracticable to collect the duties on imports at any such port in the ordinary way under existing laws, it shall and may be lawful for the President to issue his proclamation declaring such port or ports closed for all the purposes of entry and discharge of the cargoes of vessels subject to the payment of duties under the revenue laws, and for all the purposes of collecting revenue at or clearing vessels departing from such port. And after the issuing of any such proclamation by the President, and so long as the same shall continue unrevoked, it shall be unlawful for any vessels laden with cargoes subject to the payment of duties under existing laws to enter such port or land and discharge its cargo, or any part thereof. And every person who shall knowingly enter or attempt to enter any such port with a vessel laden as afore-

said, in violation of the provisons of this act, shall be deemed guilty of a misdemeanor, and such vessel and cargo shall be liable to be seized, condemned, and sold on account of the United States, as is hereinafter provided.

SEC. 2. Whenever, under the authority conferred by this act, any of the ports of the United States shall have been closed by the proclamation of the President, it shall and may be lawful for the President to employ so much of the land and naval forces of the United States as, in his judgment, may be expedient for the purpose of preventing any violation of the provisions of this act, and for enforcing due observance of the revenue laws. And the President is hereby authorized to direct the commanders of any of the armed vessels of the United States, by whom any vessel and cargo shall be seized for a violation of any of the provisions of this act, or of any of the revenue laws of the United States in the collection district in which any ports of the United States shall have been closed by proclamation as aforesaid, to take such vessel and cargo, and the master and crew thereof, into any other port of the United States, to be proceeded against according to law. And the district or circuit courts of the United States exercising jurisdiction in the port to which such vessel and cargo, master, and crew shall be taken, shall have and exercise the same powers and jurisdiction over said vessel and cargo, and over the master and crew thereof, as if the vessel and cargo had been seized within the collection district into which the said vessel and cargo shall be taken under the direction of the President as aforesaid. And all laws and parts of laws relating to the indictment, trial, conviction, and punishment of offenders against the revenue laws of the United States, and to the forfeiture, condemnation, and sale of vessels and cargoes seized for violations of said laws, and the disposition of the proceeds thereof, shall be applicable to all offences against the provisions of this act: *Provided*, That no person convicted for a violation of the provisions of this act shall be punished by a fine exceeding five thousand dollars, or by imprisonment exceeding three years.

SEC. 3. *And be it further enacted*, That at any time after any port of the United States shall have been closed, in pursuance of the provisions of this act, the President may, in his discretion, by his proclamation declare that, from and after a day to be named therein, his previous proclamation closing any port of the United States shall be no longer in force, and from and after such day all the existing laws relating to such port, and the entry and unlading of vessels therein, and the collection of the revenues of the United States, shall be revived and in full force; and the provisions of this act relating to any such port shall thereafter cease, and be of no force or effect.

After discussion, the bill was referred to Mr. Cochrane for examination.

The Chairman laid before the committee a petition, referred by the House to this committee on yesterday, of certain citizens of Delaware, praying Congress to adopt the resolutions introduced in the Senate by Hon. J. J. Crittenden. Referred to Mr. Branch.

By order of the committee, the Chairman addressed the following communication to the Treasury Department:

HOUSE OF REPRESENTATIVES,
January 16, 1861.

SIR: The special committee, to whom was referred the President's special message, find it necessary to examine to some extent the revenue laws. They have directed me to ask your department to furnish, if convenient, five copies of the digest of the same for the use of the committee.

Very respectfully, your obedient servant,

WM. A. HOWARD, *Chairman.*

Hon. JOHN A. DIX,
Secretary of the Treasury.

The Chairman addressed the following communication to the Secretary of the Navy:

HOUSE OF REPRESENTATIVES,
January 16, 1861.

SIR: The special committee, who have in charge the special message of the President, with instructions, &c., desire, if possible, to take your testimony to-morrow, the 17th instant, at 10 o'clock a. m. Will you be kind enough to inform me in a note by the bearer whether it will suit your convenience to attend at the Agricultural Committee room in the Capitol at that hour? If not, can you name some other hour during to-morrow when it would meet your convenience to attend? Please state whether a formal subpœna will be required.

Very truly, yours, &c.,

WM. A. HOWARD, *Chairman.*

Hon. ISAAC TOUCEY, *Washington, D. C.*

Adjourned to 10 a. m. to-morrow.

THURSDAY, *January* 17, 1861.

The committee met at 10 o'clock a. m. pursuant to adjournment. All present.

The Chairman laid before the committee the reply of the Secretary of the Navy to the communication of the Chairman of this committee of yesterday, which reply was as follows:

NAVY DEPARTMENT,
January 16, 1861.

SIR: In reply to your letter of this day's date in relation to my attendance at the committee's meeting to-morrow morning at 10 o'clock, I have to say that it will not be convenient for me to be present at that hour. My reply to your letter of the 12th instant and the accompanying resolutions will be placed in your hands this evening, after reading which you can judge how far my appearance in person before the committee will be necessary.

I am, very respectfully, your obedient servant,

I. TOUCEY.

Hon. WM. A. HOWARD,
Chairman Special Committee, &c., House of Representatives.

Also the following from the Secretary of the Navy:

NAVY DEPARTMENT,
January 16, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant enclosing two resolutions of the House of Representatives, passed the 9th instant, instructing the special committee to whom the President's message was referred to make certain inquiries, and requesting me to communicate to the committee any information I may have (not inconsistent with the public service) pertinent to any of the subjects of inquiry.

The inquiries embraced in the resolution submitted by Mr. Leake do not pertain to this department, as it has no control over arsenals or armories, and only two of those embraced in the other resolution are pertinent to it, viz:

"1st. Whether any executive officer of the United States has been, or is now, treating or holding communication with any person or persons concerning the surrender of any forts or fortresses, or public property of the United States, and whether any demand for such surrender has been made, and when, and by whom, and what answer has been given."

"4th. Where the ships of the United States are now stationed, with what commands, and with what orders."

In reply to the first inquiry, I have to inform the committee that I am not aware that any executive officer of the United States, connected with the Navy Department has been or is now treating or holding any communication whatever with any person or persons concerning the surrender of any forts or fortresses, or public property of the United States.

The department on the 14th instant received a telegraphic despatch from Captain James Armstrong, United States navy, the commandant of the navy yard near Pensacola, Florida, in which he says: "Commissioners, appointed by the governor of Florida, with a regiment of armed men at the gate, demanded the surrender of this navy yard, having previously taken possession of one of the magazines. I surrendered the place and struck my flag at half-past one o'clock p. m. this day," [January 12, 1861.]

In answer to the fourth inquiry, I herewith transmit a list of the vessels of the United States navy, their commanders, and where stationed. All of these vessels are under general orders for the protection of citizens of the United States and their property. Those on the coasts of Africa and Cuba are also under special instructions in relation to the suppression of the African slave trade. The Niagara is on special duty connected with the Japanese embassy. The Sabine and St. Louis have recently been ordered to Pensacola to protect the government property there, and the Macedonian sailed from Portsmouth, New Hampshire, on the 13th instant, for Pensacola, *via* Tortugas, with orders of similar purport.

I am, very respectfully, your obedient servant,

I. TOUCEY.

Hon. W. A. HOWARD,
Chairman Special Committee, &c., House of Representatives.

Also a list of the United States navy in commission on the 16th of January, 1861, with their stations and orders.

After consultation, the Chairman was instructed to inform the Secretary of the Navy that, having examined the papers transmitted from the Navy Department, the committee are still of opinion that it would be expedient to request the attendance of the Secretary of the Navy before them, and to ask him to name some hour to-morrow when it would be convenient for him to so attend.

Mr. COCHRANE, to whom had been referred the bill submitted by Mr. Reynolds on yesterday, reported the same back, together with one he had himself drawn up, after consultation with persons at the Treasury Department.

The bill prepared by Mr. Cochrane, is as follows:

A bill to be entitled "An act further to provide for the collection of duties on imports."

Be it enacted by the Senate and House of Representatives in Congress assembled, That whenever, by the action of the authorities of any State of the United States, within the limits of which any collection district or districts, port or ports of entry, and port or ports of delivery are now established, or hereafter may be established by law, the collection of revenue, or the enforcement of the laws in relation thereto is obstructed, or whenever, by reason of any unlawful combination of persons, it shall, in the judgment of the President, become impracticable to collect the duty on imports at any such port or ports, district or districts, in the ordinary way under existing laws, all laws establishing such port or ports of entry, and port or ports of delivery, and collection district or districts, or any of them, shall be, and the same are hereby, declared to be suspended, whenever the President, at his discretion, shall make proclamation to that effect, such suspension to commence, continue, and operate from the date of such proclamation: *Provided, nevertheless*, That such suspension shall cease and determine from and after such day as the President shall by subsequent proclamation name for the cessation and discontinuance of the same.

SEC. 2. *And be it further enacted*, That whenever, during the suspension hereby authorized, it shall appear, upon production of the manifest or manifests in writing of any ship or vessel, or in any other manner, that said ship or vessel is bound to any port or collection district in regard to which the revenue laws are suspended under and by virtue of this act, or whenever, upon demand of the officer of customs boarding any ship or vessel, the master or other person having charge or command thereof shall neglect or refuse to produce the manifest or manifests now required by law, or shall not give an account of the true destination of such ship or vessel, which he is hereby required to do upon the request of such officer, or shall give a false account of such destination, then and in each and every such case the master or person having the charge or command of such ship or vessel shall forfeit for every such neglect, refusal or offence, the sum of five hundred dollars, in addition to the sum of five hundred dollars imposed by section 26 of the act of March 2, 1799. And such ship or vessel shall, together with her tackle, furniture, apparel and cargo, be subject to seizure and forfeiture.

SEC. 3. *And be it further enacted*, That during the suspension hereby authorized, if any ship or vessel bound to a foreign port or place shall depart on her voyage to such foreign port or place without delivering such manifest and obtaining a clearance, as is required by section 93 of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799, or if any ship or vessel bound coastwise to any port or place in the United States shall depart on her voyage to such port or place without obtaining from the collector or other proper officer of the customs a permit to proceed to her destination, the said master or other person having the charge or command of such ship or vessel shall forfeit and pay the sum of five hundred dollars for every such offence, in addition to the penalty imposed by said section. And the said ship or vessel, and the tackle, apparel, and furniture thereof, together with the cargo or lading of of the same, shall be liable to forfeiture and condemnation.

SEC. 4. *And be it further enacted*, That any ship or vessel seized under and by virtue of this act for a violation of the provisions thereof may be [together with the master or other person in charge or command thereof] taken into any port of entry in the United States, to be proceeded against according to law; and the district or circuit court of the port to which said vessel and cargo [and the master or other person having charge or command thereof] shall be taken, shall have and exercise the same power and jurisdiction over said ship or vessel and cargo [and over the master or other person having charge or command thereof] as if said ship or vessel and cargo had been seized [and the master or other person having charge or command of the same had incurred the penalty] within the collection district into which the said ship or vessel and cargo [together with the master or other person having charge or command thereof] shall be so taken.

SEC. 5. *And be it further enacted*, That, in execution of the provisions of this act, it may and shall be lawful for the President of the United States, in addition to the revenue cutters now in service, to employ in aid thereof such other public vessels as may in his judgment, from time to time, be required.

SEC. 6. *And be it further enacted*, That the fines, penalties, forfeitures and disabilities, incurred by virtue of this act, may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury, by the act entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," approved March 3, 1797.

Mr. BRANCH suggested that the portions of section 4 of Mr. Cochrane's bill, contained in brackets [ ] might be considered in conflict with the 6th amendment of the Constitution, providing for the trial of persons charged with the crimes in the State wherein committed.

After some discussion, in which the committee considered the expediency of exempting the coastwise trade from the operations of this bill—

The Chairman said he would put this question to the committee before acting upon the bill.

"Shall this bill be so modified as not to interfere with the coastwise trade."

Mr. COCHRANE said he had not originally intended to frame his bill so as to reach the coastwise trade, but it had been suggested to him by the persons at the department with whom he had consulted, and he had inserted it in order to bring the subject before the committee.

Mr. BRANCH said that before the vote upon this question was taken he would ask the committee to vote upon the resolution he had submitted to the committee on the 15th instant.

The resolution was read as follows:

Resolved, That for the purpose of avoiding all occasion for the use of force to execute the laws, and to remove, as far as possible, the danger of civil war breaking out pending the deliberations of Congress on the present unsettled state of public affairs, it is expedient to recommend the passage of an act suspending for a limited time all the laws of the United States within those States which have already, or which may, during such limited time, adopt ordinances of secession; suitable provision being made to permit the introduction of dutiable goods into the States which have not adopted such ordinances without the payment of duties.

Mr. BRANCH modified his resolution by striking out the latter clause commencing "suitable provision being made," &c.

The question being then taken, by yeas and nays, upon the resolution, it was not agreed to—yea 1, nays 4, as follows:

YEA—Mr. Branch—1.

NAYS—Messrs. Dawes, Cochrane, Reynolds, and Chairman—4.

The question then recurred upon the following:

"Shall this bill be so modified as not to interfere with the coastwise trade?"

The question being taken, by yeas and nays, it was agreed to—yeas 5, nays none, as follows:

YEAS—Messrs. Branch, Dawes, Cochrane, Reynolds, and the Chairman—5.

The bill was then recommitted to Mr. Cochrane to be modified accordingly.

Mr. REYNOLDS submitted for the consideration of the committee the following bill:

Be it enacted, &c., That whenever, by the action of the authorities of any State of the United States, it shall satisfactorily appear to the President that there is an intention and determination on the part of the citizens thereof to refuse obedience to the laws and authority of the United States; and whenever any of the forts, arsenals, custom-houses, or other property of the United States, situated within the limits of any State, shall, without the consent of the government of the United States, be seized or taken possession of by any combination of persons, either acting with or without the authority of the government of any State, it shall be the duty of the President to issue his proclamation commanding obedience to the Constitution and laws of the United States, and a restoration, within a limited time, of all forts, arsenals, custom-houses, or other property of the United States, to the possession of the proper authorities thereof; and in case of disobedience to the requirements of such proclamation, it shall be lawful for the President to call for the militia of all or any of the States of the

United States, or accept the services of volunteers to such extent as, in his opinion, may be necessary to recover the possession of, and to protect and defend the forts, arsenals, custom-houses, and other property of the United States, to suppress rebellion, and cause the laws to be duly executed ; and all existing laws relating to the actual service of the militia shall be applicable to the employment of the same under the provisions of this act.

The committee proceeded to consider the foregoing bill, but came to no conclusion thereon.

The Chairman, pursuant to the direction of the committee, addressed the following to Hon. Isaac Toucey, Secretary of the Navy:

HOUSE OF REPRESENTATIVES, *January* 17, 1861.

SIR: Your letter, in reply to mine of yesterday, as also of the 12th instant, covering information desired by the committee, was duly received, and placed before the committee at their meeting to-day. After due consideration, they directed me to inform you that they deem it necessary to make some investigation in regard to the naval service. That cannot well be done without your coming before the committee. I have, therefore, to inquire if you can meet the committee to-morrow morning at half-past 10 o'clock ; if not, what hour of the day will suit your convenience? An answer by the bearer will oblige your obedient servant,

WM. A. HOWARD, *Chairman.*

Hon. ISAAC TOUCEY,
Secretary of the Navy.

Adjourned to 10½ a. m. to-morrow.

FRIDAY, *January* 18, 1861.

The committee met at 10½ a. m., pursuant to adjournment. All the members present.

Mr. COCHRANE reported the bill referred to him on yesterday, amended in pursuance of the instructions of the committee, so that its provisions should not apply to the coastwise trade ; also an amendment in the third section, by inserting after the words "ship or vessel bound," the words "with her cargo, or any part thereof," so that the same will read "if any ship or vessel bound with her cargo, or any part thereof, to a foreign port or place," &c.

After discussion, the question was taken upon agreeing to the bill as amended by yeas and nays ; and it was agreed to—yeas 4, nay 1, as follows:

Yeas—Messrs. Dawes, Cochrane, Reynolds, and the Chairman—4.

Nay—Mr. Branch—1.

Mr. COCHRANE was instructed to prepare a report to accompany the bill when reported to the House.

Mr. REYNOLDS introduced the following, in lieu of the bill submitted by him on yesterday:

Be it enacted, &c., That it shall be lawful for the President of the United States, whenever in his opinion it shall become necessary, t·

call forth the militia of all or any of the States of the United States, or to accept the services of volunteers to such extent as may be required, to protect and defend the forts, magazines, arsenals, dock yards, navy yards, public buildings, or other property of the United States, and to recover the possession of any such forts, magazines, arsenals, dock yards, navy yards, public buildings, or other property of the United States which have been unlawfully seized or taken possession of by any combination of persons whatever; and the provisions of the act of March 3, 1807, entitled "An act authorizing the employment of the land and naval forces of the United States in cases of insurrections," and all acts relating to the actual service of the militia of the United States, shall be applicable to the employment of the same under the provisions of this act.

After discussion, the question was taken by yeas and nays upon agreeing to the bill; and it was agreed to—yeas 4, nay 1, as follows:

Yeas—Messrs. Dawes, Cochrane, Reynolds, and the Chairman—4.

Nay—Mr. Branch—1.

Mr. REYNOLDS was instructed to prepare a report to accompany the bill to the House.

The Chairman laid before the committee the following from the Secretary of the Navy:

WASHINGTON, *January* 17, 1861.

SIR: It will be impracticable for me to appear before your committee to-morrow, as I shall necessarily be engaged at a cabinet meeting; but on Saturday, at 10½ in the morning, I will attend if it shall be agreeable to you.

I am, very respectfully, yours,

I. TOUCEY.

Hon. Mr. HOWARD,
Chairman of Committee, &c., &c.

The Chairman, in pursuance of directions by the committee, addressed the following to the Secretary of the Navy:

HOUSE OF REPRESENTATIVES, *January* 18, 1861.

SIR: Your letter of the 17th instant is received, and has been considered by the committee. They will be happy to meet you at the time named, (half-past 10 o'clock a. m., Saturday, 19th instant.) As they are aware that heavy drafts are made upon your time, they will be prompt at the hour named.

Very respectfully, your obedient servant,

WM. A. HOWARD,
Chairman.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

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pc The Chairman laid before the committee three petitions of the citiencens of New York, for a national convention to be held at Independthe nce Hall, Philadelphia, on the 4th of March next—presented to the

House by Mr. Briggs, and referred to the select committee upon the President's special message.

Adjourned to 10½ a. m. to-morrow.

SATURDAY, *January* 19, 1861.

The committee met at 10½ a. m., pursuant to adjournment. All the members present.

Hon. Isaac Toucey, Secretary of the Navy, appeared in attendance, in accordance with previons arrangement.

The clerk of the committee retired from the committee room at the request of the Chairman.

After some time spent by the committee in consultation with the Secretary of the Navy, the clerk was recalled.

Adjourned to 10½ a. m. on Monday next.

MONDAY, *January* 21, 1861.

The committee met pursuant to adjournment. All the members present.

Mr. COCHRANE reported back to the committee the bill further to provide for the collection of the revenue, with sundry amendments.

The first section was amended so as to read:

Be it enacted, &c., That whenever, in any port of the United States now established, or which hereafter may be established by law, the collection of revenue or the enforcement of the laws in relation thereto is obstructed, or whenever, by reason of any unlawful combination of persons, it shall become impracticable to collect the duty on imports at any such port in the ordinary way under existing laws, the President shall make proclamation thereof, specifying the port in which such obstruction or impracticability in the execution of the revenue laws of the United States exists.

The first part of section 2 is amended so as to read:

SEC. 2. *And be it enacted*, That whenever it shall appear, upon production of the manifest or manifests, in writing, of any ship or vessel, (not engaged in the coastwise trade,) or in any other manner, that said ship or vessel is bound to any port mentioned and specified in such proclamation aforesaid, or whenever, upon demand of the officer of customs boarding any ship or vessel not engaged in the coastwise trade, the master or other person having charge or command thereof, &c.

And add to the bill the following:

SEC. 7. *And be it further enacted*, That whenever it shall appear, by satisfactory proof, that the obstruction to the collection of the revenue, and the impracticability of the execution of the revenue laws, in any port so mentioned and specified in the President's proclamation as aforesaid, have ceased to exist, then the President is hereby authorized to issue his subsequent proclamation to that effect; and thereupon, all the provisions of this act in relaion to such port specified in such subsequent proclamation shall, from the date thereof, be inoperative and void.

Mr. COCHRANE said he would probably be able to present to the

committee a written report to-morrow morning, to accompany the foregoing bill to the House.

No action was taken upon the bill.

Mr. REYNOLDS submitted the following report to accompany the bill to provide for calling forth the militia of the United States in certain cases:

The select committee, to whom was referred the message of the President of the United States, bearing date the 8th of January, 1861, with special instructions, in partial discharge of the duties imposed on them, submit the following report:

The message of the President suggests for consideration a variety of topics of the highest importance to the welfare of the country. In the discharge of the duties confided to them, it seemed to your committee most expedient to give their attention first to the question whether any additional legislation by Congress was necessary to enable the President to execute the laws, protect and defend the public property, and preserve the integrity of the government. With the fact apparent that a portion of the citizens of the United States, repudiating their allegiance to the Constitution and laws of the Union, are engaged in an attempt to establish an independent government, and in the execution of this purpose have unlawfully seized certain of the forts, navy yards, arsenals, magazines, and other public property, it seems that an emergency has arisen where the executive arm should be clothed with the requisite power and authority to preserve the government, defend its property, and protect the honor of its flag. This duty of protection and defence can only be performed under the direction of the Executive; and where the appropriate means are provided by Congress, the responsibility for its discharge will devolve upon the constitutional head of the government. In a period like the present, when the existence of the federal Union is endangered by powerful combinations embracing whole States, when acts of lawless violence disturb the ordinary operations of the government, Congress should, and doubtless will, be prompted to enact any measures calculated to enable the Executive to discharge all his constitutional duties in a manner consistent with the dignity and essential to the preservation of the government.

In considering the powers at the disposal of the President, which may be exerted for the preservation and the defence of the country and the enforcement of the laws, it may be first observed that there appears to be no doubt, in the opinion of any department of the government, of the authority of the President to employ the army and navy in his discretion for the defence and protection of the public property against all aggression, from whatever source it may come. And whenever any of the forts or property of the United States have been or may be unlawfully seized, there can be no doubt that the army and navy may be employed to recover their possession. It is well known, however, that our land forces are scattered in different portions of the country, so that upon any sudden emergency but a very moderate number of soldiers could, without considerable delay, be concentrated for the defence of any place threatened with assault. The same is also true of our naval force. A large majority of our

vessels-of-war are actually employed in foreign service, and, from the necessity of the case, incapable of being immediately brought to the defence of any part of our extensive sea-coast. And in view of the alarming condition of the country, in the sight of events of almost daily occurrence, it is a matter for serious and attentive consideration whether the naval force now connected with the home squadron is adequate for the protection and defence of the public property situated upon our coast. We suggest, at this time, these facts, in order that such responsibility as devolves upon Congress in this regard may be promptly met and considered.

Beside the army and navy of the United States, the only other military force which can be lawfully employed in the defence or protection of the government, and in the enforcement of the laws, is the militia. By the Constitution Congress is authorized "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." Under this grant of power an act was passed by the second Congress, approved May 8, 1792, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," the object of which is declared in its title. Another act was passed, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," approved May 2, 1792, by which power was given to the President to employ the militia in certain specified cases. In 1795 another act was passed, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the act now in force for these purposes." This act was approved on the 28th of February, 1795, and by it the act of 1792 was repealed. The first section of the act of 1795 provides, that whenever the United States shall be invaded, or in danger of invasion, from any foreign nation or Indian tribe, the President in his discretion may call forth the militia to repel the invasion. And on application of the legislature of any State, and in certain cases of the executive of the State, the President may call forth the militia for the purpose of suppressing an insurrection against the government of such State.

The second section of this act is in the following words:

"§ 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State by combinations two powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States as may be necessary, to suppress such combinations, and to cause the laws to be duly executed; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress."

There are various other laws and provisions of law relating to detail whenever the militia is called into active service. But it is believed that the powers of the President to call out the militia is limited to the cases provided for in the act of February 28, 1795, which is now in force.

By an act approved March 3, 1807, entitled "An act authorizing the employment of the land and naval forces of the United States in cases of insurrections," it is provided "that in all cases of insurrections or obstructions to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purpose such part of the land and naval force of the United States as shall be judged necessary, having first observed all the pre-requisites of law in that respect."

It is the opinion of the late Attorney General of the United States, given to the President under date of November 20, 1860, that the employment of the militia by the President, under the authority of the act of 1795, is to be exercised strictly in aid of and subordinate to the civil authority in the State where the laws of the Union are obstructed; and consequently, that in cases where a State has attempted to secede from the Union and set up an independent government, and where the judges of courts and their executive officers have resigned or refused to perform their duty, there is no power vested in the President in such a contingency to call forth the militia. It is not our purpose at the present time to call in question the accuracy of this opinion, further than to suggest that it is quite obvious that the President is the sole and exclusive judge as to when the contingency provided for in the act shall have occurred; and having determined that the contingency has happened he may act upon it, even if the officers of the law in any State where unlawful combinations exist do not invoke his aid. The laws of the United States do not cease to exist in a State because its local authorities have enacted an ordinance declaring such State no longer a member of the federal Union. Nor does any such consequence result from the resignation of federal judges, marshals, or district attorneys. Notwithstanding these acts of disloyalty, the laws of Congress still remain in full force and vigor, and the legal duty of seeing that they are executed remains unchanged. In this aspect of the question, it may be forcibly urged that such action on the part of the government of a State, and of the federal officers within its limits, furnishes the clearest evidence of obstruction to the execution of the laws of the Union by a combination too powerful to be suppressed by the ordinary course of judicial proceedings; and that, therefore, the President may, in the execution of his duty, resort to the extraordinary remedy of employing military force, if, in his judgment, such an exercise of power be expedient. But upon the assumption that the construction given to this statute by the late Attorney General is correct, we do not deem it necessary to recommend any change of the existing statute in this respect, for the reason that in the present condition of our national affairs it would, in our opinion, be impolitic, and perhaps impracticable, to employ military force for the purpose of carrying on the ordinary administration of justice in the federal courts in any State that has by formal act undertaken to throw off her allegiance to the federal government. If it shall so happen that by reason of such rebellious action the constitutional rights of the citizens of any other State shall be invaded, it will be

the duty of the Executive to take such measures for their redress as the nature of the case shall demand and as the laws allow.

In respect to the forts, arsenals, navy yards, magazines, and other property of the United States within the limits of any disloyal State, a different question is presented. As to all such public property, wheresoever the same may be situated, the rights of the general government cannot be seriously questioned; and the practicability of defending with an adequate force such property from unlawful seizure can scarcely be doubted. The duty of the government in respect to the protection and defence of such property is not only clear and imperative, but in its defence and protection is involved the principle of self-preservation, as well as our national dignity and the honor of the American flag. If the means at the command of the President are inadequate to the performance of this duty, Congress will fail in its obligations to the country unless provision is promptly made to supply the defect. We are inclined to the opinion that in the performance of this duty, upon a free and liberal construction of the law, the President may invoke the aid of the militia of any or all of the States of the Union. But the exercise by the President of any doubtful powers in the employment of military force has always been regarded with disfavor by the American people. And to remove any doubt which may exist in any quarter, in view of the possible inadequacy of the army and navy to enable the President to protect and defend the public property under all circumstances, we have deemed it expedient to recommend the passage of an act expressly giving him power, whenever in his opinion the necessity shall arise, to call forth the militia of the United States for the protection and defence of public property, and to enable him to resume possession of any such property which has been, or may be hereafter, unlawfully seized. With the enactment of this law the whole military power of the government will be placed at the disposal of the President, to be used at his discretion for its protection in all its operations under the Constitution. In analogy to all previous laws relating to the same subject, and almost as a matter of necessity, the calling forth of the militia is made to depend upon the discretion of the President; and the power is to be resorted to only in cases of extreme necessity. The measure is not, therefore, obnoxious to the objection that it carries with it any suggestion inconsistent with conciliation and compromise. And if the efforts now earnestly making towards the restoration of harmony throughout the land shall be attended with happy issues, there will arise no occasion for the exercise of any of the powers which the proposed act confers; and of that necessity the President must judge upon the high responsibilities of his position. If, unfortunately for our country and the world, the blessings of peace are to depart from our borders, we shall have but discharged a duty forced upon us by the necessities of the hour, in providing all the means at our command for the defence and preservation of that Constitution framed by patriotic men "to promote the general welfare and secure the blessings of liberty to themselves and their posterity."

We are admonished by events of almost daily occurrence that we are on the eve, if not in the midst, of revolution. Our forts are un-

lawfully seized, our flag dishonored, the lawful authority of the government treated with contempt, and if it is entitled to obedience at home or respect abroad, the executive arm must be clothed with power, and it must be exerted at all hazards against any who defy its authority whenever, after proper efforts, it shall become apparent that peaceful remedies are ineffectual. We are not permitted to close our eyes to the fact that, whatever considerations may counsel the practice of forbearance towards any who may come in collision with federal power, there is a period beyond which it will cease to command the approbation of any portion of the American people who are loyal to the Constitution. And while it is believed that in every section of the Union there is an earnest desire for the restoration of harmony, and for the removal of every just cause for disturbing the peace of the country, there is yet a firm determination that the disruption of this government shall not be accomplished if, when all efforts at conciliation shall have been exhausted, there is sufficient power to protect it from domestic violence. Nor can we disguise the fact that in some States of the Union those who have undertaken to throw off federal obligations, and in which the sovereignty of the United States has been wantonly invaded, all terms of conciliation and compromise have been rejected in advance. With any who assume and adhere to that position, even if there are wrongs to be redressed, compromise is impossible. Under such circumstances it is not safe to assume that a peaceful adjustment of alleged difficulties can be accomplished; and whether they can be or not, we believe it to be the duty of Congress, while engaged in the effort to restore peace, to provide, as far as may be, for the preservation of the dignity of the government, the protection of the public property, and the defence of the flag of the Union.

We accordingly report the accompanying bill, and recommend its passage.

Mr. REYNOLDS reported to the committee at the same time, and accompanying the report, the following modification of the bill he submitted on Saturday last:

A BILL to be entitled "An act further to provide for calling forth the militia of the United States in certain cases."

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That it shall be lawful for the President of the United States, whenever and as often as in his opinion it shall become necessary, to call forth the militia of all or any of the States of the United States, or to accept the services of volunteers to such extent as may be required to protect and defend the forts, magazines, arsenals, dock yards, navy yards, public buildings, or other property of the United States, and to recover the possession of any such forts, magazines, arsenals, dock yards, navy yards, public buildings, or other property of the United States which has been, or may hereafter be, unlawfully seized or taken possession of by any combination of persons whatsoever. And the provisions of "An act authorizing the employment of the land and naval forces of the United States in cases of insurrections," approved March 3, 1807, and all existing

laws and regulations relating to the actual service of the militia of the United States, shall be applicable to the employment of the same under the provisions of this act.

On motion of Mr. DAWES the report and accompanying bill was agreed to.

The Chairman was instructed to ask the adoption by the House of the following resolution:

Resolved, That the special committee to whom was referred the President's message on the 9th instant have leave to sit during the sessions of the House, and that they have leave to report from time to time in their discretion.

On motion of Mr. DAWES, it was

Ordered, That the bill submitted by Mr. Reynolds, and agreed to by this committee, be reported to the House as soon as may be convenient after authority shall have been given to this committee to report from time to time.

Mr. BRANCH, to whom had been referred a petition of citizens of Delaware praying the adoption by Congress of the resolutions known as the "Crittenden resolutions," reported the same back to the committee,

And moved that the committee report the same to the House, with a recommendation in favor of the passage of Senate joint resolution No. 50, introduced in that body by Hon. John J. Crittenden.

Mr. COCHRANE submitted the following amendment to article 1 of the amendments to the Constitution, as proposed by the said joint resolution:

Add to article I the following:

"*Provided*, That no territory shall hereafter be acquired unless by treaty."

No further action was taken upon the subject, Mr. BRANCH giving notice that he would ask for a vote of the committee upon his motion to-morrow, or some early day thereafter.

On motion of Mr. REYNOLDS, it was

Ordered, That the daily hour of meeting of this committee hereafter shall be $10\frac{1}{2}$ o'clock a. m., unless otherwise ordered by the committee.

The Chairman, in pursuance of the directions of the committee, addressed the following communication to the Secretary of the Navy:

HOUSE OF REPRESENTATIVES, *January* 21, 1861.

SIR: I have the honor herewith to transmit the draught of heads of topics to be considered in a proposed communication, and which were considered informally when you were with the committee on the 19th instant. The committee have directed me to suggest the following inquiries, and to respectfully ask that answers to the same may be embraced in your communication, so far as can be properly done:

1st. What amount of naval force is now in condition to be put under immediate orders for service in the protection of the coasts, including public property of every kind, of the United States?

2d. Are there any vessels-of-war dismantled at any port; and, if so, what, and why have they not been, within the last month, put in condition for immediate service?

3d. Are there any vessels of the United States, now in service in places beyond the limits of the United States, which may be safely ordered home for the protection of the coasts of the United States?

4th. The Vandalia was sent to take the place of the John Adams in the East India squadron; when was the John Adams ordered home, for what reason, and has she left her station for home, and when?

5th. The Saratoga is in place of the Marion; where is the Marion?

6th. What was done by the department, if anything, after the interception of orders at Mobile by their local authorities, touching such interception?

7th. State, as fully as the interests of the service will permit, all the facts connected with the surrender of the navy yard at Pensacola. To whom was it surrendered? Give a list of officers at the yard at the time of surrender, name and grade of each. Are they, in any proper sense, prisoners of war? Have any of them been ordered home? Was the surrender the result of consultation of all the officers? State particularly any facts touching the conduct of each officer, and particularly the first and second in command. Whether their conduct is approved by the department; if not, have any steps been taken to call any of them to account?

8th. Have you at your command suitable and sufficient means of putting into Fort Sumter, if it were desired, re-enforcements to secure its protection? and, if not, how soon could a reasonable force for that purpose be got ready?

9th. State any other facts that may be properly and conveniently communicated.

As early an answer as convenient is requested.

Very respectfully, your obedient servant,

WM. A. HOWARD, *Chairman.*

Hon. ISAAC TOUCEY,
Secretary of the Navy.

The Chairman laid before the committee a copy of "The Chilicothe Advertiser," of date January 11, 1861, containing resolutions of a union meeting of the citizens of Ross county, Ohio, presented to the House on the 19th instant, and referred to this committee.

Adjourned to 10½ a. m. to-morrow.

TUESDAY, *January* 22, 1861.

The committee met pursuant to adjournment. All present.

Mr. Cochrane submitted to the committee a written report that he had prepared to accompany the bill in relation to the revenue which he had prepared.

The committee proceeded to consider the same, but came to no conclusion thereon.

The Chairman laid before the committee the proceedings of a meeting of citizens of Columbus, North Carolina, referred by the House to this committee.

Also a memorial of sundry citizens of Palmyra, Michigan, referred by the House to this committee.

Adjourned to 10½ a. m. to-morrow.

WEDNESDAY, *January* 23, 1861.

The committee met pursuant to adjournment.

The Chairman laid before the committee two petitions, referred to this committee by the House.

The proceedings of a public meeting held at Vevay, Indiana, with resolutions in favor of the Crittenden resolutions.

Also the proceedings of a public meeting held in Davidson county, North Carolina, in relation to the present condition of the country.

Mr. Cochrane submitted the following to accompany the bill in relation to the revenue:

The special committee to whom was referred the message of the President of the United States, communicated to Congress January 9, 1861, having carefully considered the matters embraced in that paper, do now respectfully submit the accompanying bill in reference to that part thereof relating to the collection of the revenues of the United States. And Mr. Cochrane, in reporting the bill from the committee, accompanies the same by authority of the committee with a statement of his views in relation thereto as follows:

While fully concurring with the President in the opinion that no State possesses, under and by virtue of the federal Constitution, any right or authority to secede, or withdraw, or separate itself from the federal Union, I am equally convinced that not having been prohibited, the justification of the exercise of such right is referable to the nature and extent of those rights reserved to the States or the people thereof. Therefore, all the acts and ordinances of secession which have been or may be enacted by any State or States acting separately, in my opinion are, in as far as the same may be carried into effect, to be considered as revolutionary infractions of the supreme law of the land, however they may be regarded as the proper exercise of an indefeasible right of "resisting acts which are plainly unconstitutional and too oppressive to be endured."

I also concur with the President that the federal Constitution has abstained from conferring upon the federal government, or any department thereof, authority to declare and wage oppressive war against a seceding State in order to coerce the repeal of any act or ordinance of secession which she may have passed, or the renunciation of any purpose of secession which she may entertain, or to compel her to remain nominally, as well as in fact, a member of the federal Union. On the contrary, the plenary power of offensive war and reprisals conferred by the Constitution upon Congress is, in my judgment, designed exclusively to authorize and empower such war by the federal government in its discretion against such governments and communities as may be rightfully considered foreign to the United States.

States which profess to have seceded from the federal Union by their separate State action cannot, in my opinion, be rightfully so considered; and therefore a just conception of the constitutional authority of Congress combines with other, and, if possible, higher and more commanding motives, to prescribe other measures than aggressive and coercive war to remedy the grave inconveniences, perils, and evils of such secession.

It is, on the other hand, entirely manifest that the federal government, throughout the whole extent of its constitutional jurisdiction, both territorial and maritime, is vested with powers which it cannot surrender, and charged with trusts and duties which it must perform. It holds valuable property in every part of the territory over which its jurisdiction has been, by the solemn mandate of the people of all the States, extended; and it holds every article of this property as the common trustee of all the people of all the States for their common use and benefit, and to them, and to all of them, it is directly responsible for the safe-keeping and protection of such property. By constitutional legislation, supreme in its character and irrepealable, except by the authority which created it, the federal government has established a system of revenue laws which it is bound to maintain, and against all obstructions to the execution of which it is equally bound adequately to provide. No unconstitutional action of any State can possibly release the federal government, in any of its departments, from this imperative obligation.

It is to this aspect of the duty of Congress, in the unfortunate and unexampled state of facts presented for its consideration by the President in his late message, that the attention of the committee has been specially directed; and they report herewith a bill designed, as is believed, peaceably and in a spirit of moderation and forbearance, fully to protect the entire revenue system of the United States from all the unconstitutional and unlawful obstructions and disturbances with which it is now or may be hereafter threatened.

In framing this measure there have been kept steadily in view, first, the obstacles of every character which oppose any attempt by the federal government to coerce a State; and, secondly, the principle upon which, as is conceived, the whole coercive action of our revenue system has, from its inception, been founded.

The just and rightful coercion exercised under the Constitution by the federal government in the collection of its revenue from foreign commerce, is a coercion not directed against State authority, nor even against unlawful action by assemblages of persons within any State. That coercion, on the contrary, applies itself directly to the bulk and body of the foreign importations upon which the revenue is chargeable, and to the vessels and to the agents by which they are brought into our ports, opened to such commerce only under the protection and by the regulation of the federal law.

The well-understood and just assumption upon which all this foreign commerce proceeds is, that the federal government provides for it ports of entry and delivery in which it may be entered and delivered, and in which the lawful duties chargeable upon it shall be collected and paid to the federal government, whose laws have, for that very consideration, established and protected and regulated such entry and delivery. The failure to observe those regulations is, by our whole code of revenue laws, visited in penalties upon the agents by whom the merchandise is transported, the vessels in which it is carried, and, finally, in the form of seizure and forfeiture upon the merchandise itself. All this is a coercion of law upon foreign commerce, and not a coercion of force upon any State to which it may be bound. No State

can rightfully expect that the United States shall permit foreign commerce to be carried on in ports and places open to it only under their authority, without compliance with the constitutional conditions under which those ports and places have been thus opened.

It is in this view that the bill proposes that vessels from a foreign port bound to a port within the scope of its provisions shall, with its foreign cargo, be liable to seizure and condemnation; and in the same view of applying its restrictions only to foreign commerce on which revenue is by law collected, all vessels lawfully engaged in the coastwise trade are exempted from the operation of its purely remedial and defensive provisions.

Mr. COCHRANE was authorized by the committee to present the foregoing to accompany the bill referred to, when the same shall be reported to the House.

Adjourned to 11 o'clock a. m. to-morrow.

THURSDAY, *January* 24, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee the following papers, referred to this committee by the House:

Proceedings of a meeting of the republican club of New Harmony, Indiana, with reference to the disturbed state of the country;

Resolutions adopted by a meeting held in the city of Trenton, New Jersey, on the state of the Union; and

Proceedings of a public meeting held at Bedford, Indiana.

The Chairman informed the committee that, having learned on yesterday that Commodore James Armstrong, Engineer Lawton, and Assistant Surgeon Bishop, who were at Pensacola, Florida, at the time of the surrender of the navy yard, were in town, and having consulted with one or two members of the committee, he had taken the responsibility of issuing a subpœna to have them come before the committee this morning, if they could be got here in time.

Mr. BRANCH called up the subject of the Crittenden compromise.

The question was upon the amendment offered by Mr. Cochrane, to insert the words: "*Provided*, That no territory shall be hereafter acquired unless by treaty."

Mr. COCHRANE withdrew that amendment, and (Mr. Branch withdrawing his proposition) submitted to the committee the proposition known as the "Bigler compromise," with the first article amended by adding the proviso: "*Provided*, No territory shall be hereafter acquired unless by a two-thirds vote of the Senate."

Mr. DAWES moved to amend that portion relating to the payment by the United States of the value of all fugitive slaves taken from the marshal by a mob, &c., by inserting, after the words "fugitive slave," the words "or personal property of any description."

Mr. BRANCH moved to amend the amendment by adding thereto the words: "the possession of which is guaranteed to its owner by the Constitution."

The question was taken upon the amendment to the amendment, and it was agreed to.

Mr. REYNOLDS gave notice that at the proper time he should submit the following in lieu of all the propositions before the committee in relation to compromises, &c.:

"*Resolved*, (*if the Senate concur*,) That it be recommended to the people of the several States, acting through their governors or legislatures, or in such manner as they may think proper, to hold conventions of the citizens of the Union on the 22d of February next, and to appoint delegates, equal in number to their representation in Congress, to a national convention, to be held at Independence Hall, in Philadelphia, on the 4th day of March, 1861, to promote the general welfare, and to devise and adopt such measures as may tend to restore harmony and secure to each State and section of the Union those rights, privileges, and immunities to which they are jointly entitled.

The committee came to no conclusion upon any of the propositions.

The following witness was examined:

No. 1. Elbridge Lawton, (late of Pensacola.)

Pending the examination of this witness,

The committee decided that whenever any objection is made to any inquiry or course of inquiry in the examination of a witness, the Chairman shall decide the question, subject to appeal and the vote of the committee.

Adjourned to 10 a. m. to-morrow.

FRIDAY, *January* 25, 1861.

The committee met pursuant to adjournment. All the members present.

The following witness was examined:

No. 2. William S. Bishop, (late of Pensacola navy yard.)

The committee then resumed the consideration of the proposition submitted by Mr. Cochrane on yesterday.

The question was upon agreeing to the amendment of Mr. Dawes, as amended on motion of Mr. Branch.

The question being then taken, the amendment as amended was not agreed to.

The question was then upon agreeing to the proposition as submitted by Mr. Cochrane.

Mr. REYNOLDS moved, as a substitute, the resolution read by him on yesterday, providing for a national convention.

The question being taken, the substitute of Mr. Reynolds was agreed to.

The question was upon agreeing to the proposition of Mr. Cochrane as amended.

At 12 o'clock the committee took a recess.

At 2 o'clock p. m. the committee resumed its session. Present, Messrs. Dawes and Cochrane, and the Chairman.

The Chairman stated that Messrs. Branch and Reynolds had left the House and gone to their, hotels but had requested the committee, when they had a quorum, to proceed with the examination of wit-

nesses if any should appear, and they would look over the reporter's manuscript of the same.

The committee accordingly proceeded to examine the following witness:

No. 3. James Armstrong, (late of Pensacola navy yard.)

The following papers were received from the House:

Petition of William Drummond and 212 others, citizens of Bath, Maine, asking Congress to adopt such measures of conciliation and compromise as will preserve the Union, and restore quiet and harmony to the country.

Proceedings of a public meeting of the citizens of Smyrna township, Jefferson county, Indiana, held with reference to the present political agitations.

Petition of citizens of Juniata county, Pennsylvania, in favor of the adoption of the Crittenden proposition.

Adjourned to 10½ a. m. to-morrow.

SATURDAY, *January* 26, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee a communication from the Navy Department, dated the 24th instant, in reply to a letter of inquiry from the Chairman of this committee of the 21st instant.

The communication was read and considered.

The Chairman was instructed to cause a subpœna *duces tecum* to be issued to Charles W. Welsh, chief clerk of the Navy Department, directing him to be in attendance before this committee, with certain books and papers, on Monday morning, 28th instant, at 10 o'clock.

The Chairman, pursuant to instructions of the committee, addressed the following to the Secretary of the Navy:

HOUSE OF REPRESENTATIVES, *January* 26, 1861.

SIR: I have the honor to acknowledge the receipt of your communication of the 24th instant. It has been placed before the committee, and been fully considered by them. They have instructed me to say to you that they consider it full and satisfactory upon most of the points treated of. But there are some of the topics upon which they desire to make some further inquiries; and believing it can be better accomplished by a personal attendance than by written interrogatories and answers, they have directed me to request your attendance on Monday morning at 10 o'clock, at the committee room of Foreign Affairs at the Capitol. Will you favor me with an answer by the bearer?

Very respectfully, your obedient servant,

WILLIAM. A. HOWARD,
Chairman.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

The following paper was received from the House:

Petition of Josiah Hunt and others in support of the Crittenden resolutions.

The committee at 12 o'clock took a recess.

At 2 o'clock the committee resumed its session, and proceeded with the examination of the following witness:

No. 3. James Armstrong, (continued.)

Pending the examination,

Mr. BRANCH objected to the course of inquiry as not embraced in the instructions of the committee.

Objection overruled. (See report of to-day's testimony for discussion and decision of the question.)

Adjourned to 10 a. m. on Monday next.

MONDAY, *January* 28, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee a communication, with accompanying papers, from the Treasury Department, in response to the call of the committee of the 12th instant.

Also a communication from the Navy Department:

NAVY DEPARTMENT, *January* 26, 1861.

SIR: In reply to your note of this day's date, I have the honor to inform you, that, agreeably to the request of the committee of which you are chairman, I will give my personal attendance at the committee room, on Monday morning at 10 o'clock.

I am, respectfully, your obedient servant,

I. TOUCEY.

Hon. WILLIAM A. HOWARD, *Chairman, &c.*

The following was received from the Clerk's office:

"IN THE HOUSE OF REPRESENTATIVES, *January* 26, 1861.

"On motion of Mr. Grow,

"*Resolved*, That the select committee of five be instructed to inquire whether any secret organization, hostile to the government of the United States, exists in the District of Columbia; and if so, whether any official or employé of the city of Washington, or any employés or officers of the federal government, in the executive or judicial departments, are members thereof.

"Attest: J. W. FORNEY, *Clerk.*"

The committee examined the following witness:

No. 4. Charles W. Welsh, (Navy Department.)

Hon. Isaac Toucey appearing, in accordance with agreement of Saturday, the reporter was directed by the Chairman to leave the committee room.

After some time spent in conference by the committee and the Secretary of the Navy, the reporter was recalled.

The committee took a recess at 12 o'clock.

At 2 o'clock the committee resumed its session. Present, Messrs. Branch, Reynolds, and the Chairman.

The following witness was examined:

No. 3. James Armstrong, (concluded.)

Adjourned to 10 a. m. to-morrow.

TUESDAY, *January* 29, 1861.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:

No. 5. James G. Berret, Washington.

No. 6. John B. Blake, Washington.

The following resolution was received from the Clerk's office:

HOUSE OF REPRESENTATIVES, *January* 28, 1861.

On motion of Mr. William A. Howard,

Resolved, That the special committee of five to whom was referred the message of the President on the 9th instant, have leave to sit during the sessions of the House, and to report from time to time as the importance of business in their hands may require.

Mr. REYNOLDS moved that the militia bill and the revenue bill, heretofore agreed to by the committee, with their accompanying reports, be now reported to the House.

Mr. COCHRANE moved to amend by making Monday next the time for reporting them to the House.

The question being taken upon the amendment, it was not agreed to.

The question being then taken upon the motion of Mr. Reynolds, it was agreed to.

The following papers were received from the House:

House Resolution 67, in relation to the present condition of the country.

Also memorial of citizens of Port Clinton, Pennsylvania, in favor of Crittenden resolutions.

Also memorial of citizens of Keeseville, New York, in favor of Crittenden resolutions, or some other settlement of present difficulties.

Adjourned to 10 a. m. to-morrow.

WEDNESDAY, *January* 30, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee a communication, with accompanying papers, from the War Department, in response to the call of the committee of the 12th instant.

The following papers were received from the House:

Petition of citizens of Spencer county, Indiana, in favor of Crittenden compromise.

Proceedings of a public meeting in Brownsville, Fayette county,

Pennsylvania, in favor of original resolutions offered by Mr. Crittenden.

Petition of citizens of Montrose, Iowa, praying that measures may be submitted to the people for settlement of present difficulties.

Petition of citizens of Washington county, Pennsylvania, in favor of Crittenden resolutions.

Proceedings and resolutions of union meeting held in Mason county, Kentucky.

The following witnesses were examined :

No. 7. George R Wilson, Washington.

No. 8. John R. Tormey, Baltimore, Maryland.

The committee at 12 o'clock took a recess.

At 2 o'clock p. m. the committee resumed its session. Present, Messrs. Branch, Dawes, and the Chairman.

The following witnesses were examined :

No. 9. James Hicks, Colesville, Maryland.

No. 10. John B. Clark, House of Representatives.

The Chairman, pursuant to instructions of the committee, addressed the following communication to the Secretary of the Navy :

HOUSE OF REPRESENTATIVES, *January* 30, 1861.

SIR : I have the honor to enclose the following inquiries, by direction of the special committee, and to request an answer at your earliest convenience, viz :

1st. Are there any officers and seamen unemployed at the present time; and if so, how many ?

2d. Are there enough of each to man all the unemployed vessels, should occasion require ?

3d. Does, in your opinion, the disturbed condition of the country make it expedient for Congress to place at the disposal of the department additional money for repairs or other purposes, and how much ?

Very respectfully, your obedient servant,

WILLIAM A. HOWARD, *Chairman.*

Hon. ISAAC TOUCEY,

Secretary of the Navy.

Adjourned to 10 a. m. to-morrow.

THURSDAY, *January* 31, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House :

H. R. 68. Joint resolution relative to a vote of the people of the several States on propositions to amend the Constitution of the United States.

H. R. 957. A bill to provide for taking the sense of the people of the several States on certain proposed amendments to the Constitution of the United States.

Joint resolutions adopted by the legislature of Pennsylvania, relative to the maintenance of the Union.

Petition of citizens of Pennsylvania in favor of the Crittenden resolutions.

The following witnesses were examined:

No. 11. Winfield Scott, United States army.
No. 12. William Flynn, Washington.
No. 13. Jacob Thompson, Washington.
No. 14. Charles P. Stone, Washington.
No. 15. Benjamin Berry, Colesville, Maryland.

Adjourned to 10 a. m. to-morrow.

FRIDAY, *February* 1, 1861.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:

No. 16. Enoch Louis Lowe, Frederick city, Maryland.
No. 17. Cornelius Boyle, Washington.
No. 18. Daniel Ratcliffe, Washington.
No. 19. Godard Bailey, Washington.

Adjourned to 11 a. m. to-morrow.

SATURDAY, *February* 2, 1861.

The committee met pursuant to adjournment. All the members present.

The following witness was examined:

No. 20. Wm. M. McCauley, Washington.

The following paper was received from the House:

Petition of citizens of Eastham, Massachusetts, in favor of Crittenden resolutions.

The Chairman, in pursuance of the instructions of the committee, addressed the following to Governor Hicks, of Maryland:

HOUSE OF REPRESENTATIVES, *February* 2, 1861.

MY DEAR SIR: Several days since the special committee charged by the House with making certain inquiries directed its Chairman to respectfully request your excellency's attendance on the committee at the Capitol, at such time as might suit your convenience. Accordingly, I will name Monday, Tuesday, or Wednesday, of next week, the 4th, 5th, or 6th instant, as may best suit you. May I ask the favor of a reply?

Very respectfully, your obedient servant,

WM. A. HOWARD,
Chairman.

His Excellency THOMAS H. HICKS,
Governor of Maryland.

Adjourned to 10 a. m. on Monday next.

MONDAY, *February* 4, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House:

H. R. 69. Joint resolution in regard to existing questions of controversy.

Reported to the House from this committee, and recommitted. H. R. 968. A bill further to provide for calling forth the militia of the United States in certain cases.

Also H. R. 969, (recommitted.) A bill further to provide for the collection of duties on imports.

The following witness was examined:

No. 21. J. Tyler Powell, Washington.

Adjourned to 10 a. m. to-morrow.

TUESDAY, *February* 5, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee a communication from the Secretary of the Navy in reply to a call of the committee of the 30th ultimo, which was dated the 4th instant.

The following witnesses were examined:

No. 22. John H. Goddard, Washington.

No. 23. C. Ferrandini, Baltimore.

No. 24. Charles G. Wagner, Washington.

Adjourned to 10 a. m. to-morrow.

WEDNESDAY, *February* 6, 1861.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:

No. 25. O. K. Hillard, Baltimore, Maryland.

No. 26. Philip T. Dawson, Baltimore, Maryland.

The following papers were received from the House:

Petition of the committee of thirty-three, appointed at the workingmen's mass meeting, held in Philadelphia, January 26, 1861, in relation to the dissensions between the north and south.

Petition of citizens of Vinalhaven, Maine, in favor of Crittenden compromise.

Petition of citizens of Pennsylvania in favor of the Crittenden compromise.

Petition of citizens of New York in favor of the border State compromise.

The Chairman informed the committee that he had received a letter from Governor Hicks, of Maryland, in reply to the one of the Chairman of the 2d instant, in which Governor Hicks stated that his time was so engrossed by business affairs of importance, that he desired the committee would not insist upon his attendance before them, unless they deemed it exceedingly important, in which case he, of course, would attend.

After consultation, the committee instructed the Chairman to address a communication to the governor requesting his attendance.

The Chairman accordingly addressed the following communication to Governor Hicks, of Maryland:

COMMITTEE ROOM, *February* 6, 1861.

MY DEAR SIR: Your favor of the 4th instant was received and placed before the committee. They have directed me to say that they are very desirous of quieting unreasonable apprehensions, as well as of establishing important facts. They much desire the attendance of your excellency, if possible. If you can reach Washington in the morning, our prompt attention might enable you to return on the same evening. Hoping to hear from you on return mail, I remain your obedient servant,

WM. A. HOWARD, *Chairman.*

His Excellency THOMAS H. HICKS,
Governor of Maryland.

Adjourned to 10 a. m. to-morrow.

THURSDAY, *February* 7, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House:

Resolutions of the legislature of the State of Delaware, approving the Crittenden resolutions.

Petition of citizens of Prince George's, Maryland, in favor of the border State compromise.

Memorial of citizens of Putnam, Connecticut, praying Congress to instruct the President to put down treason and rebellion as the most effectual means of preserving the Union.

Proceedings of a union meeting in Princeton, Indiana, in favor of the Crittenden or border State compromise.

The following witness was examined:

No. 11.—Winfield Scott, (continued.)

Adjourned to 10 a. m. to-morrow.

FRIDAY, *February* 8, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House:

Petition of citizens of Brown county, Indiana, in favor of the Crittenden compromise.

Six memorials by citizens of Philadelphia, praying Congress to stand firm for the Union, the Constitution as it is, and the enforcement of the laws.

The committee proceeded to consider the manner of closing up their labors and reporting to the House.

The Chairman was instructed to prepare a report to accompany the testimony taken by this committee in pursuance of the resolution of the House, directing them to inquire whether a secret organization exists in this city having for its object an attack upon the Capitol, &c.

Adjourned to 10 a. m. to-morrow.

SATURDAY, *February* 9, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee the following communication:

EXECUTIVE CHAMBER,
Annapolis, February 7, 1861.

MY DEAR SIR: Your kind favor came, and found me laboring, as is my fortune, every moment of time, except the short period devoted to sleep each twenty-four hours.

I am quite desirous, as indicated in a former letter, to visit Washington, but at this time doubt the policy, occupying the peculiar position I do. Yet, if really thought by yourself and committee very material, I will go to Washington. I can do no more than repeat verbal relations made, and written statements. One of the men making an important communication is an office holder in Washington, as reputable and veracious as any man, and brother to a delegate to the peace congress, now in session.

Cannot you or some member of your committee run over and see me here?

Obediently, &c., THOMAS H. HICKS.

Hon. WILLIAM A. HOWARD.

The following witness was examined:

No. 27.—Joseph H. Boyd, Baltimore, Maryland.

Adjourned to 10 a. m. on Monday next.

MONDAY, *February* 11, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House:

Remonstrance of citizens of Little Falls, New York, against making concessions to or compromises with slavery.

Memorial of citizens of Portsmouth, New Hampshire, praying Congress to adopt measures to settle present difficulties.

Memorial of citizens of Philadelphia in favor of the Crittenden resolutions, as amended by Mr. Bigler.

Four petitions of citizens of Philadelphia in favor of the Constitution and Union as it is, and the enforcement of the laws.

Joint resolutions of Minnesota on the state of the Union.

Memorial and resolutions of the constitutional union party of New Hampshire on the disturbed condition of the country.

Mr. BRANCH submitted the following:

Resolved, That his excellency Thomas H. Hicks, governor of Maryland, be earnestly and respectfully invited to appear before the committee, and give them any information in his possession touching the matters into which the committee have been instructed by the House of Representatives to inquire.

Ordered, That the Chairman transmit a copy of the above resolution to Governor Hicks, by the hands of a special messenger, to-day; and that the Chairman at the same time inform him that he was not invited before the committee in consequence of the demand of any person who has been a witness before the committee, but because the committee had reason to think that he might be in possession of important information bearing on the security of the government and its property.

After discussion, the question was taken by yeas and nays on the resolution, and it was not agreed to, as follows:

Yea—Mr. Branch—1.

Nays—Messrs. Dawes, Cochrane, Reynolds, and the Chairman—4.

Mr. COCHRANE submitted the following, which was agreed to:

Resolved, That it is expedient to procure the testimony of Governor Hicks, of Maryland, and that the Chairman and Mr. Branch of this committee be instructed to proceed to Annapolis for the purpose of taking the same.

Adjourned to 11 a. m. to-morrow.

TUESDAY, *February* 12, 1861.

The committee met pursuant to adjournment. All the members present.

The Chairman stated to the committee that, in pursuance of the instructions of the committee, the two members of the committee therein designated, with the clerk, had proceeded to Annapolis yesterday, but upon their arrival had been informed that Governor Hicks had come up to Washington. The members of the committee and the clerk had returned to Washington by the morning train.

Adjourned to 10 a. m. to-morrow.

WEDNESDAY, *February* 13, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House:

Petition of citizens of Braintree, Massachusetts, in favor of the Crittenden resolutions.

Memorial of citizens of Watertown, Massachusetts, asking Congress to adopt some plan for the settlement of present difficulties.

The following witness was examined:

No. 28.—Thomas H. Hicks, governor of Maryland.

Adjourned to 10 a. m. to-morrow.

THURSDAY, *February* 14, 1861.

The committee met pursuant to adjournment. All the members present.

A special report, prepared by the Chairman, was adopted, and the Chairman instructed to report the same forthwith to the House.

Adjourned to 10½ a. m. on Saturday next.

SATURDAY, *February* 16, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House:

Message from the President of the United States, transmitting resolutions of the legislature of Kentucky, applying for the call of a convention for proposing amendments to the Constitution of the United States.

To the Senate and House of Representatives:

I have received from the governor of Kentucky certain resolutions adopted by the general assembly of that Commonwealth, containing an application to Congress for the call of a convention for proposing amendments to the Constitution of the United States, with a request that I should immediately place the same before that body. It affords me great satisfaction to perform this duty; and I feel quite confident that Congress will bestow upon these resolutions the careful consideration to which they are eminently entitled, on account of the distinguished and patriotic source from which they proceed, as well as the great importance of the subject which they involve.

JAMES BUCHANAN.

WASHINGTON, *February* 5, 1861.

COMMONWEALTH OF KENTUCKY,
Executive Department, Frankfort, January 28, 1861.

DEAR SIR: I have the honor to communicate herewith to your excellency the joint resolutions of the general assembly of the Commonwealth of Kentucky, "recommending a call for a convention of the United States," with the request that you lay the same before Congress.

Your obedient servant,

B. MAGOFFIN.

His Excellency JAMES BUCHANAN,
President of the United States.

RESOLUTIONS recommending a call for a convention of the United States.

Whereas the people of some of the States feel themselves deeply aggrieved by the policy and measures which have been adopted by the people of some of the other States; and whereas an amendment of the Constitution of the United States is deemed indispensably necessary to secure them against similar grievances in the future: Therefore—

Resolved by the general assembly of the Commonwealth of Kentucky, That application to Congress to call a convention for proposing amendments to the Constitution of the United States, pursuant to the 5th article thereof, be, and the same is hereby, now made by this general

assembly of Kentucky; and we hereby invite our sister States to unite with us, without delay, in similar application to Congress.

Resolved, That the governor of this State forthwith communicate the foregoing resolution to the President of the United States, with the request that he immediately place the same before Congress and the executives of the several States, with a request that they lay them before their respective legislatures.

Resolved, If the convention be called in accordance with the provisions of the foregoing resolutions, the legislature of the Commonwealth of Kentucky suggest for the consideration of that convention, as a basis for settling existing difficulties, the adoption, by way of amendments to the Constitution, of the resolutions offered in the Senate of the United States by the Hon. John J. Crittenden.

DAVID MERIWETHER,
Speaker of the House of Representatives.
THOMAS P. PORTER,
Speaker of the Senate.

Approved January 25, 1861.

B. MAGOFFIN.

By the governor:
THOMAS B. MONROE, Jr.,
Secretary of State.

Message from the President of the United States, transmitting correspondence in relation to Fort Sumter, &c.

To the Senate and House of Representatives:

I deemed it a duty to transmit to Congress, with my message of the 8th of January, the correspondence which occurred in December last between the "commissioners" of South Carolina and myself.

Since that period, on the 14th of January, Colonel Isaac W. Hayne, the attorney general of South Carolina, called and informed me that he was the bearer of a letter from Governor Pickens to myself, which he would deliver the next day. He was, however, induced, by the interposition of Hon. Jefferson Davis and nine other senators from the seceded and seceding States, not to deliver it on the day appointed, nor was it communicated to me until the 31st of January, with his letter of that date. Their letter to him urging this delay bears date January 15, and was the commencement of a correspondence, the whole of which in my possession I now submit to Congress. A reference to each letter of the series, in proper order, accompanies this message.

JAMES BUCHANAN.

WASHINGTON, *February* 8, 1861.

Papers accompanying the President's message, February 9, 1861.

No. 1.—A letter addressed by Hon. Jefferson Davis and others, dated January 15, 1861, to Colonel I. W. Hayne.

No. 2.—Colonel Hayne to Hon. Jefferson Davis and others, January 17, 1861.

No. 3.—Note from Hon. John Slidell and others, communicating to the President the foregoing correspondence, and asking him to take into consideration the subject of it, January 19, 1861.

No. 4.—A letter addressed by the Secretary of War *ad interim* to Hon. John Slidell and others, expressing the views of the President, January 22, 1861.

No. 5.—Colonel Hayne to the senators who had communicated to him the letter of the Secretary of War *ad interim*, transmitted to the President with a note from Mr. Slidell, (January 28, 1861,) January 24, 1861.

No. 6.—Colonel Hayne to the President, with Governor Pickens's letter of January 12, which had not before been communicated, January 31, 1861.

No. 7.—Answer of the Secretary of War to Colonel Hayne, February 6, 1861.

No. 1.

WASHINGTON CITY, *January* 15, 1861.

SIR: We are apprised that you visit Washington as an envoy from the State of South Carolina, bearing a communication from the governor of your State to the President of the United States in relation to Fort Sumter. Without knowing its contents, we venture to request you to defer its delivery to the President for a few days, or until you and he have considered the suggestions which we beg leave to submit.

We know that the possession of Fort Sumter by troops of the United States, coupled with the circumstances under which it was taken, is the chief if not the only source of difficulty between the government of South Carolina and that of the United States. We would add that we, too, think it a just cause of irritation and of apprehension on the part of your State. But we have also assurances, notwithstanding the circumstances under which Major Anderson left Fort Moultrie and entered Fort Sumter with the forces under his command, that it was not taken, and is not held, with any hostile or unfriendly purpose towards your State, but merely as property of the United States, which the President deems it his duty to protect and preserve.

We will not discuss the question of right or duty on the part of either government touching that property, or the late acts of either in relation thereto; but we think that, without any compromise of right or breach of duty on either side, an amicable adjustment of the

matter of differences may and should be adopted. We desire to see such an adjustment, and to prevent war or the shedding of blood.

We represent States which have already seceded from the United States, or will have done so before the 1st of February next, and which will meet your State in convention on or before the 15th of that month. Our people feel that they have a common destiny with your people, and expect to form with them, in that convention, a new confederation and provisional government. We must and will share your fortunes—suffering with you the evils of war, if it cannot be avoided, and enjoying with you the blessings of peace, if it can be preserved. We therefore think it especially due from South Carolina to our States—to say nothing of other slaveholding States—that she should, as far as she can consistently with her honor, avoid initiating hostilities between her and the United States, or any other power. We have the public declaration of the President that he has not the constitutional power or the will to make war on South Carolina, and that the public peace shall not be disturbed by any act of hostility towards your State.

We therefore see no reason why there may not be a settlement of existing difficulties, if time be given for calm and deliberate counsel with those States which are equally involved with South Carolina. We therefore trust that an arrangement will be agreed on between you and the President, at least till the 15th February next, by which time your and our States may in convention devise a wise, just, and peaceable solution of existing difficulties.

In the meantime, we think your State should suffer Major Anderson to obtain necessary supplies of food, fuel, or water, and enjoy free communication, by post or special messenger, with the President, upon the understanding that the President will not send him re-enforcements during the same period. We propose to submit this proposition and your answer to the President.

If not clothed with power to make such arrangement, then we trust that you will submit our suggestions to the governor of your State for his instructions. Until you have received and communicated his response to the President, of course your State will not attack Fort Sumter, and the President will not offer to re-enforce it.

We most respectfully submit these propositions in the earnest hope that you, or the proper authorities of your State, may accede to them.

We have the honor to be, with profound esteem, your obedient servants,

LOUIS T. WIGFALL.
JOHN HEMPHILL.
D. L. YULEE.
S. R. MALLORY.
JEFFERSON DAVIS.
C. C. CLAY, JR.
BEN. FITZPATRICK.
A. IVERSON.
JOHN SLIDELL.
J. P. BENJAMIN.

Hon. ISAAC W. HAYNE.

No. 2.

WASHINGTON, *January* 17, 1861.

GENTLEMEN: I have received your communication dated the 15th instant. You say you represent States which have already seceded from the United States, or will have done so before the first of February next, and which will meet South Carolina in convention on or before the 15th of that month; that your people feel they have a common destiny with our people, and expect to form with them in that convention a new confederacy and provisional government; that you must and will share our fortunes, suffering with us the evils of war, if it cannot be avoided, and enjoying with us the blessings of peace, if it can be preserved.

I feel, gentlemen, the force of this appeal, and, so far as my authority extends, most cheerfully comply with your request. I am not clothed with power to make the arrangement you suggest, but, provided you can get assurances with which you are entirely satisfied that no re-enforcements will be sent to Fort Sumter in the interval, and that public peace will not be disturbed by any act of hostility towards South Carolina, I will refer your communication to the authorities of South Carolina, and, withholding the communication with which I am at present charged, will await further instructions.

Major Anderson and his command, let me assure you, do *now* obtain all necessary supplies, including fresh meat and vegetables, and I believe fuel and water, from the city of Charleston, and do *now* enjoy communication, by post and special messenger, with the President, and will continue to do so, certainly until the door to negotiation has been closed.

If your proposition is acceded to, you may assure the President that no attack will be made on Fort Sumter until a response from the governor of South Carolina has been received and communicated to him.

I am, with high consideration and profound esteem, your obedient servant,

ISAAC W. HAYNE.

Hon. LOUIS T. WIGFALL.
JOHN HEMPHILL.
D. L. YULEE.
S. R MALLORY.
JEFFERSON DAVIS.
C. C. CLAY, Jr.
BENJAMIN FITZPATRICK.
A. IVERSON.
JOHN SLIDELL.
J. P. BENJAMIN.

No. 3.

SENATE CHAMBER, *January* 19, 1861.

SIR: We have been requested to present to you a copy of a correspondence between certain senators of the United States and Colonel Isaac W. Hayne, now in this city, on behalf of the government of South Carolina, and to ask that you will take into consideration the subject of said correspondence.

Very respectfully, your obedient servants,

JOHN SLIDELL.
BEN. FITZPATRICK.
S. R. MALLORY.

His Excellency JAMES BUCHANAN,
President of the United States.

No. 4.

WAR DEPARTMENT, *January* 22, 1861.

GENTLEMEN: The President has received your communication of the 19th instant, with the copy of a correspondence between yourselves and others "representing States which have already seceded from the United States, or will have done so before the 1st of February next," and Colonel Isaac W. Hayne, of South Carolina, in behalf of the government of that State, in relation to Fort Sumter; and you ask the President to "take into consideration the subject of said correspondence." With this request he has respectfully complied, and has directed me to communicate to you his answer.

In your letter to Colonel Hayne, of the 5th instant, you propose to him to defer the delivery of a message from the governor of South Carolina to the President, with which he has been intrusted, for a few days, or until the President and Colonel Hayne shall have considered the suggestions which you submit. It is unnecessary to refer specially to these suggestions, because the letter addressed to you by Colonel Hayne, of the 17th instant, presents a clear and specific answer to them. In this he says: "I am not clothed with power to make the arrangement you suggest; but provided you can get assurances, with which you are entirely satisfied, that no re-enforcements will be sent to Fort Sumter in the interval, and that public peace will not be disturbed by any act of hostility towards South Carolina, I will refer your communication to the authorities of South Carolina, and, withholding the communication with which I am at present charged, will await further instructions."

From the beginning of the present unhappy troubles the President has endeavored to perform his executive duties in such a manner as to preserve the peace of the country and to prevent bloodshed. This is still his fixed purpose. You therefore do him no more than justice in stating that you have assurances (from his public mes-

sages, I presume) that, "notwithstanding the circumstances under which Major Anderson left Fort Moultrie and entered Fort Sumter with the forces under his command, it was not taken and is not held with any hostile or unfriendly purpose towards your State, but merely as property of the United States, which the President deems it his duty to protect and preserve." You have correctly stated what the President deems to be his duty. His sole object now is, and has been, to act strictly on the defensive, and to authorize no movement against the people of South Carolina, unless clearly justified by a hostile movement on their part. He could not well have given a better proof of his desire to prevent the effusion of blood than by forbearing to resort to the use of force under the strong provocation of an attack (happily without a fatal result) on an unarmed vessel bearing the flag of the United States.

I am happy to observe that, in your letter to Colonel Hayne, you express the opinion that it is "especially due from South Carolina to our States, to say nothing of other slaveholding States, that she should, as far as she can consistently with her honor, avoid initiating hostilities between her and the United States, or any other power." To initiate such hostilities against Fort Sumter would, beyond question, be an act of war against the United States.

In regard to the proposition of Colonel Hayne, "that no re-enforcements will be sent to Fort Sumter in the interval, and that public peace will not be disturbed by any act of hostility towards South Carolina," it is impossible for me to give you any such assurances. The President has no authority to enter into such an agreement or understanding. As an executive officer, he is simply bound to protect the public property, so far as this may be practicable; and it would be a manifest violation of his duty to place himself under engagements that he would not perform this duty either for an indefinite or a limited period. At the present moment it is not deemed necessary to re-enforce Major Anderson, because he makes no such request, and feels quite secure in his position. Should his safety, however, require re-enforcements, every effort will be made to supply them.

In regard to an assurance from the President "that public peace will not be disturbed by any act of hostility towards South Carolina," the answer will readily occur to yourselves. To Congress, and to Congress alone, belongs the power to make war, and it would be an act of usurpation for the Executive to give an assurance that Congress would not exercise this power, however strongly he may be convinced that no such intention exists.

I am glad to be assured, from the letter of Colonel Hayne, that "Major Anderson and his command do *now* obtain all necessary supplies, including fresh meat and vegetables, and, I believe, fuel and water, from the city of Charleston, and do *now* enjoy communication, by post and special messenger, with the President, and will continue to do so, certainly until the door to negotiation has been closed." I trust that these facilities may still be afforded to Major Anderson. This is as it should be. Major Anderson is not menacing Charleston; and I am convinced that the happiest result which can be obtained is, that both he and the authorities of South Carolina shall remain on

their present amicable footing, neither party being bound by any obligations whatever, except the high Christian and moral duty to keep the peace, and to avoid all causes of mutual irritation.

Very respectfully, your obedient servant,

J. HOLT,
Secretary of War ad interim.

Hons. JOHN SLIDELL, BEN. FITZPATRICK, and S. R. MALLORY.

No. 5.

WASHINGTON, *January* 24, 1861.

GENTLEMEN: I have received your letter of the 23d instant, enclosing a communication, dated the 22d instant, addressed to Messrs. Fitzpatrick, Mallory, and Slidell, from the Secretary of War *ad interim*. This communication from the Secretary is far from being satisfactory to me. But inasmuch as *you* state that "we (you) have no hesitation in expressing an entire confidence that no re-enforcement will be sent to Fort Sumter, nor will the public peace be disturbed, within the period requisite for full communication between yourself (myself) and your (my) government," in compliance with our previous understanding I withhold the communication with which I am at present charged, and refer the whole matter to the authorities of South Carolina, and will await their reply.

Mr. Gourdin, of South Carolina, now in this city, will leave here by the evening's train, and will lay before the governor of South Carolina and his council the whole correspondence between yourslves and myself, and between you and the government of the United States, with a communication from me asking further instructions.

I cannot, in closing, but express my deep regret that the President should deem it necessary to keep a garrison of troops at Fort Sumter for the protection of the "property" of the United States. South Carolina scorns the idea of appropriating to herself the property of another, whether of a government or an individual, without accounting to the last dollar for everything which, for the protection of her citizens or in vindication of her own honor and dignity, she may deem it necessary to take into her own possession. As property, Fort Sumter is in far greater jeopardy occupied by a garrison of United States troops than it would be if delivered over to the State authorities, with the pledge that, in regard to that and all other property within her jurisdiction claimed by the United States, South Carolina would fully account on a fair adjustment.

Upon the other point, of the preservation of peace and the avoidance of bloodshed, is it supposed that the occupation of a fort by armed men, in the midst of a harbor, with guns bearing on every part of it, under the orders of a government no longer acknowledged, *can be* other than the occasion of constant irritation, excitement, and indignation? It creates a condition of things which I fear is but little calculated to advance the observance of the "high Christian and

moral duty, to keep the peace and to avoid all causes of mutual irritation," recommended by the Secretary of War in his communication.

In my judgment, to continue to hold Fort Sumter by the United States troops is the worst possible means of securing its protection and preservation as property, as it certainly is the worst possible means of effecting a peaceful solution of existing difficulties short of war itself.

I beg leave, in conclusion, to say that it is in deference to the unanimous opinion expressed by the senators present in Washington "representing States which have already seceded from the United States, or will have done so before the 1st of February next," that I comply with your suggestions; and I feel assured that suggestions from such a quarter will be considered with profound respect by the authorities of South Carolina, and will have great weight in determining their action.

With high consideration, I have the honor to be, very respectfully, your obedient servant,

ISAAC W. HAYNE.

Hons. LOUIS T. WIGFALL, D. L. YULEE, J. P. BENJAMIN, A. IVERSON, JOHN HEMPHILL, JOHN SLIDELL, and C. C. CLAY, jr.

SENATE CHAMBER, *January* 28, 1861.

SIR: I have been requested by the gentlemen to whom, with myself, the accompanying letter from Colonel Isaac W. Hayne was addressed, to communicate the same to you.

Very respectfully, your obedient servant,

JOHN SLIDELL.

His Excellency JAMES BUCHANAN,
President of the United States.

No. 6.

WASHINGTON, *January* 31, 1861.

SIR: I had the honor to hold a short interview with you on the 14th instant, informal and unofficial. Having previously been informed that you desired that whatever was official should be, on both sides, conducted by written communications, I did not at that time present my credentials, but verbally informed you that I bore a letter from the governor of South Carolina, in regard to the occupation of Fort Sumter, which I would deliver the next day under cover of a written communication from myself. The next day, before such communication could be made, I was waited upon by a senator from Alabama, who stated that he came on the part of all the senators then in Washington from the States which had already seceded from the United States, or would certainly have done so before the first day of February next. The senator from Alabama urged that he and they

were interested in the subject of my mission in almost an equal degree with the authorities of South Carolina. He said that hostilities commenced between South Carolina and your government would necessarily involve the States represented by themselves in civil strife; and fearing that the action of South Carolina might complicate the relations of your government to the seceded and seceding States, and thereby interfere with a peaceful solution of existing difficulties, these senators requested that I would withhold my message to yourself until a consultation among themselves could be had. To this I agreed, and the result of the consultation was the letter of these senators addressed to me, dated January 15, a copy of which is in your possession. To this letter I replied on the 17th, and a copy of that reply is likewise in your possession. This correspondence, as I am informed, was made the subject of a communication from Senators Fitzpatrick, Mallory, and Slidell, addressed to you, and your attention called to the contents. These gentlemen received on the —— day of January a reply to their application, conveyed in a letter addressed to them dated ————, signed by the Hon. J. Holt, Secretary of War *ad interim*. Of this letter you, of course, have a copy. This letter from Mr. Holt was communicated to me under cover of a letter from all the senators of the seceded and seceding States who still remained in Washington, and of this letter, too, I am informed you have been furnished with a copy.

This reply of yours, through the Secretary of War *ad interim*, to the application made by the senators was entirely unsatisfactory to me. It appeared to me to be not only a rejection in advance of the main proposition made by these senators, to wit: that "an arrangement should be agreed on" between the authorities of South Carolina and your government, "at least until the 15th of February next," by which time South Carolina and the States represented by the senators "might in convention devise a wise, just, and peaceable solution of existing difficulties." "In the meantime," they say, "we think," that is, these senators, "that your State (South Carolina) should suffer Major Anderson to obtain necessary supplies of food, fuel, or water, and enjoy free communication, by post or special messenger, with the President, upon the understanding that the President will not send him re-enforcements during the same period;" but, besides this rejection of the main proposition, there was, in Mr. Holt's letter, a distinct refusal to make any stipulation on the subject of re-enforcement, even for the short time that might be required to communicate with my government. This reply to the senators was, as I have stated, altogether unsatisfactory to me, and I felt sure would be so to the authorities whom I represented. It was not, however, addressed to me, or to the authorities of South Carolina; and as South Carolina had addressed nothing to your government, and had asked nothing at your hands, I looked not to Mr. Holt's letter, but to the note addressed to me by the senators of the seceded and seceding States. I had consented to withhold my message at *their* instance, provided they could get assurances *satisfactory to them* that no re-enforcements would be sent to Fort Sumter in the interval, and that the peace should not be disturbed by any act of hostility.

The senators expressed in their note to me of the 23d instant *their* entire confidence "that no re-enforcements will be sent to Fort Sumter, nor will the public peace be disturbed within the period requisite for full communication between your (myself) and your (my) government," and renewed their request that I would withhold the communication with which I stood charged, and await further instructions.

This I have done. The further instructions arrived on the 30th instant, and bear date the 26th. I now have the honor to make to you my first communication as special envoy from the government of South Carolina. You will find enclosed the original communication to the President of the United States from the governor of South Carolina, with which I was charged in Charleston on the 12th day of January instant, the day on which it bears date. I am now instructed by the governor of South Carolina to say that his opinion as to the propriety of the demand which is contained in this letter "has not only been confirmed by the circumstances which your (my) mission has developed, but is now increased to a conviction of its necessity. The safety of the State requires that the position of the President should be distinctly understood. The safety of all seceding States requires it as much as the safety of South Carolina. If it be so that Fort Sumter is held as *property*, then, as property, the rights, whatever they may be, of the United States can be ascertained, and for the satisfaction of these rights the pledge of the State of South Carolina you are (I am) authorized to give." "If Fort Sumter is not held as property, it is held," say my instructions, "as a military post, and such a post within the limits of South Carolina will not be tolerated." You will perceive that it is upon the presumption that it is solely as property that you continue to hold Fort Sumter that I have been selected for the performance of the duty upon which I have entered. I do not come as a military man to demand the surrender of a fortress, but as the legal officer of the State—its attorney general—to claim for the State the exercise of its undoubted right of eminent domain, and to pledge the State to make good all injury to the rights of property which arise from the exercise of the claim.

South Carolina, as a separate, independent sovereign, assumes the right to take into her own possession everything within her limits essential to maintain her honor or her safety, irrespective of the question of property, subject only to the moral duty requiring that compensation should be made to the owner. This right she cannot permit to be drawn into discussion. As to compensation for any property, whether of an individual or a government, which she may deem it necessary for her honor or safety to take into her possession, her past history gives ample guarantee that it will be made, upon a fair accounting, to the last dollar.

The proposition now is, that her law officer should, under authority of the governor and his council, distinctly pledge the faith of South Carolina to make such compensation in regard to Fort Sumter, and its appurtenances and contents, to the full extent of the money value of the property of the United States delivered over to the authorities of South Carolina by your command. I will not suppose that a pledge like this can be considered insufficient security. Is not the

money value of the property of the United States in this fort, situated where it cannot be made available to the United States for any one purpose for which it was originally constructed, worth more to the United States than the property itself? Why then, as property, insist on holding it by an armed garrison? Yet such has been the ground upon which you have invariably placed your occupancy of this fort by troops—beginning prospectively with your annual message of the 4th December, again in your special message of the 9th January, and still more emphatically in your message of the 28th January. The same position is set forth in your reply to the senators, through the Secretary of War *ad interim*. It is there virtually conceded that Fort Sumter "is held merely as property of the United States, which you deem it your duty to protect and preserve." Again, it is submitted that the continuance of an armed possession actually jeopards the property you desire to protect. It is impossible but that such a possession, if continued long enough, must lead to collision. No people not completely abject and pusillanimous could submit indefinitely to the armed occupation of a fortress in the midst of the harbor of its principal city, and commanding the ingress and egress of every ship that enters the port—the daily ferry-boats that ply upon its waters moving but at the sufferance of aliens. An attack upon this fort would scarcely improve it as property, whatever the result; and if captured, it would no longer be the subject of account. To protect Fort Sumter merely as property, it is submitted that an armed occupancy is not only unnecessary, but that it is manifestly the worst possible means which can be resorted to for such an object.

Your reply to the senators, through Mr. Holt, declares it to be your sole object "to act strictly on the defensive, and to authorize no movement against South Carolina, unless justified by a hostile movement on their part." Yet, in reply to the proposition of the senators—that no re-enforcements should be sent to Fort Sumter, provided South Carolina agrees that during the same period no attack should be made—you say "it is impossible for me (your Secretary) to give you (the senators) any such assurance;" that "it would be manifest violation of his (your) duty, to place himself (yourself) under engagements that he (you) would not perform the duty, either for an indefinite or a limited period." In your message of the 28th instant, in expressing yourself in regard to a similar proposition, you say: "However strong may be my desire to enter into such an agreement, I am convinced that I do not possess the power. Congress, and Congress alone, under the war-making power, can exercise the discretion of agreeing to abstain 'from any and all acts calculated to produce a collision of arms' between this and any other government. It would, therefore, be a usurpation for the Executive to attempt to restrain their hands by an agreement in regard to matters over which he has no constitutional control. If he were thus to act, they might pass laws which he should be bound to obey, though in conflict with his agreement." The proposition, it is suggested, was addressed to you under the laws as they now are, and was not intended to refer to a new condition of things arising under new legislation. It was addressed to the executive discretion, acting under existing laws. If

Congress should, under the war-making power, or in any other way, legislate in a manner to affect the peace of South Carolina, her interests, or her rights, it would not be accomplished in secret; South Carolina would have timely notice, and she would, I trust, endeavor to meet the emergency.

It is added, in the letter of Mr. Holt, that "at the present moment it is not deemed necessary to re-enforce Major Anderson, because he makes no such request, and feels quite secure in his position;" "but should his safety require it, every effort will be made to supply re-enforcements" This would seem to ignore the other branch of the proposition made by the senators, viz: that no attack was to be made on Fort Sumter during the period suggested, and that Major Anderson should enjoy the facilities of communication, &c., &c. I advert to this point, however, for the purpose of saying that to send re-en forcements to Fort Sumter could not serve as a means of *protecting* and *preserving property;* for, as must be known to your government, it would inevitably lead to immediate hostilities, in which property on all sides would necessarily suffer. South Carolina has every disposition to preserve the public peace, and feels, I am sure, in full force, those high "Christian and moral duties" referred to by your Secretary; and it is submitted that on her part there is scarcely any consideration of mere property, apart from honor and safety, which could induce her to do aught to jeopard that peace, still less to inaugurate a protracted and bloody civil war. She rests her position on something higher than mere property. It is a consideration of her own dignity as a sovereign, and the safety of her people, which prompts her to demand that this property should not longer be used as a military post by a government she no longer acknowledges. She feels this to be an imperative duty. It has, in fact, become an absolute necessity of her condition.

Repudiating, as you do, the idea of coercion, avowing peaceful intentions, and expressing a patriot's horror for civil war and bloody strife among those who once were brethren, it is hoped that, on further consideration, you will not, on a mere question of property, refuse the reasonable demand of South Carolina, which honor and necessity alike compel her to vindicate. Should you disappoint this hope, the responsibility for the result surely does not rest with her. If the evils of war are to be encountered, especially the calamities of civil war, an elevated statesmanship would seem to require that it should be accepted as the unavoidable alternative of something still more disastrous, such as national dishonor, or measures materially affecting the safety or permanent interests of a people; that it should be a choice deliberately made and entered upon, as war, and of set purpose. But that war should be the incident or accident attendant on a policy professedly peaceful, and not required to effect the object which is avowed as the only end intended, can only be excused where there has been no warning given as to the consequences.

I am further instructed to say that South Carolina cannot, by her silence, appear to acquiesce in the imputation that she was guilty of an act of unprovoked aggression in firing on the "Star of the West." Though an unarmed vessel, she was filled with armed men, entering

her territory against her will, with the purpose of re-enforcing a garrison held within her limits against her protest. She forbears to recriminate by discussing the question of the propriety of attempting such a re-enforcement at all, as well as of the disguised and secret manner in which it was intended to be effected; and on this occasion she will say nothing as to the manner in which Fort Sumter was taken into the possession of its present occupants. The interposition of the senators who have addressed you was a circumstance unexpected by my government, and unsolicited certainly by me. The governor, while he appreciates the high and generous motives by which they were prompted, and while he fully approves the delay which, in deference to them, has taken place in the presentation of this demand, feels that it cannot longer be withheld.

I conclude with an extract from the instructions just received by me from the government of South Carolina. "The letter of the President, through Mr. Holt, may be received as the reply to the question you were instructed to ask, as to his assertion of his right to send re-enforcements to Fort Sumter. You were instructed to say to him, if he asserted that right, that the State of South Carolina regarded such a right, when asserted, or with an attempt at its exercise, as a declaration of war. If the President intends it shall not be so understood, it is proper, to avoid any misconception hereafter, that he should be informed of the manner in which the governor will feel bound to regard it. If the President, when you have stated the reasons which prompt the governor in making the demand for the delivery of Fort Sumter, shall refuse to deliver the fort upon the pledge you have been authorized to make, you will communicate that refusal without delay to the governor. If the President shall not be prepared to give you an immediate answer, you will communicate to him that his answer may be transmitted within a reasonable time to the governor at this place, (Charleston, South Carolina.) The governor does not consider it necessary that you (I) should remain longer in Washington than is necessary to execute this, the closing duty of your (my) mission, in the manner now indicated to you (me.) As soon as the governor shall receive from you information that you have closed your mission, and the reply, whatever it may be, of the President, he will consider the conduct which will be necessary on his part."

Allow me to request that you would as soon as possible inform me whether, under these instructions, I need await your answer in Washington. And if not, I would be pleased to convey from you to my government information as to the time when an answer may be expected in Charleston.

With consideration, I have the honor to be, very respectfully,

ISAAC W. HAYNE,
Special Envoy.

His Excellency JAMES BUCHANAN, *President.*

STATE OF SOUTH CAROLINA, EXECUTIVE OFFICE,
Headquarters, Charleston, January 12, 1861.

SIR: At the time of the separation of the State of South Carolina from the United States, Fort Sumter was and still is in possession of troops of the United States under the command of Major Anderson. I regard that possession as not consistent with the dignity or safety of the State of South Carolina, and have this day addressed to Major Anderson a communication to obtain from him the possession of that fort by the authorities of this State. The reply of Major Anderson informs me that he has no authority to do what I required; but he desires a reference of the demand to the President of the United States. Under the circum tances now existing, and which need no comment by me, I have determined to send to you the Hon. I. W. Hayne, the attorney general of the State of South Carolina, and have instructed him to demand the delivery of Fort Sumter, in the harbor of Charleston, to the constituted authorities of the State of South Carolina. The demand I have made of Major Anderson, and which I now make of you, is suggested because of my earnest desire to avoid the bloodshed which a persistence in your attempt to retain possession of that fort will cause, and which will be unavailing to secure to you that possession, but induce a calamity most deeply to be deplored. If consequences so unhappy shall ensue, I will secure for this State, in the demand which I now make, the satisfaction of having exhausted every attempt to avoid it.

In relation to the public property of the United States within Fort Sumter, the Hon. I. W. Hayne, who will hand you this communication, is authorized to give you the pledge of the State that the valuation of such property will be accounted for by this State upon the adjustment of its relations with the United States, of which it was a part.

F. W. PICKENS.

The PRESIDENT *of the United States.*

No. 7.

WAR DEPARTMENT, *February* 6, 1861.

SIR: The President of the United States has received your letter of the 31st ultimo, and has charged me with the duty of replying thereto.

In the communication addressed to the President by Governor Pickens, under date of the 12th of January, and which accompanies yours now before me, his excellency says: "I have determined to send to you the Hon. I. W. Hayne, the attorney general of the State of South Carolina, and have instructed him to demand the surrender of Fort Sumter, in the harbor of Charleston, to the constituted authorities of the State of South Carolina. The demand I have made of Major Anderson, and which I now make of you, is suggested because

of my earnest desire to avoid the bloodshed which a persistence in your attempt to retain the possession of that fort will cause, and which will be unavailing to secure to you that possession, but induce a calamity most deeply to be deplored." The character of the demand thus authorized to be made appears (under the influence, I presume, of the correspondence with the senators to which you refer) to have been modified by subsequent instructions of his excellency, dated the 26th, and received by yourself on the 30th of January, in which he says: "If it be so that Fort Sumter is held as property, then, as property, the rights, whatever they may be, of the United States, can be ascertained, and for the satisfaction of these rights the pledge of the State of South Carolina you are authorized to give." The full scope and precise purport of your instructions, as thus modified, you have expressed in the following words: "I do not come as a military man to demand the surrender of a fortress, but as the legal officer of the State—its attorney general—to claim for the State the exercise of its undoubted right of eminent domain, and to pledge the State to make good all injury to the rights of property which arise from the exercise of the claim." And lest this explicit language should not sufficiently define your position, you add: "The proposition now is that her (South Carolina's) law officer should, under authority of the governor and his council, distinctly pledge the faith of South Carolina to make such compensation, in regard to Fort Sumter and its appurtenances and contents, to the full extent of the money value of the property of the United States delivered over to the authorities of South Carolina by your command." You then adopt his excellency's train of thought upon the subject, so far as to suggest that the possession of Fort Sumter by the United States, "if continued long enough, must lead to collision," and that "an attack upon it would scarcely improve it as property, whatever the result, and if captured, it would no longer be the subject of account."

The proposal, then, now presented to the President, is simply an offer on the part of South Carolina to buy Fort Sumter and contents as property of the United States, sustained by a declaration, in effect, that if she is not permitted to make the purchase she will seize the fort by force of arms. As the initiation of a negotiation for the transfer of property between friendly governments, this proposal impresses the President as having assumed a most unusual form. He has, however, investigated the claim on which it professes to be based, apart from the declaration that accompanies it. And it may be here remarked, that much stress has been laid upon the employment of the words "property" and "public property" by the President in his several messages. These are the most comprehensive terms which can be used in such a connexion, and surely, when referring to a fort or any other public establishment, they embrace the entire and undivided interest of the government therein.

The title of the United States to Fort Sumter is complete and incontestable. Were its interests in this property purely proprietary, in the ordinary acceptation of the term, it might probably be subjected to the exercise of the right of eminent domain; but it has also political relations to it of a much higher and more imposing character

than those of mere proprietorship. It has absolute jurisdiction over the fort and the soil on which it stands. This jurisdiction consists in the authority to "exercise exclusive legislation" over the property referred to, and is therefore clearly incompatible with the claim of eminent domain now insisted upon by South Carolina. This authority was not derived from any questionable revolutionary source, but from the peaceful cession of South Carolin aherself, acting through her legislature, under a provision of the Constitution of the United States. South Carolina can no more assert the right of eminent domain over Fort Sumter than Maryland can assert it over the District of Columbia. The polit cal and proprietary rights of the United States in either case rest upon precisely the same ground.

The President, however, is relieved from the necessity of further pursuing this inquiry by the fact that, whatever may be the claim of South Carolina to this fort, he has no constitutional power to cede or surrender it. The property of the United States has been acquired by force of public law, and can only be disposed of under the same solemn sanctions. The President, as the head of the executive branch of the government only, can no more sell and transfer Fort Sumter to South Carolina than he can sell and convey the Capitol of the United States to Maryland or to any other State or individual seeking to possess it. His excellency the governor is too familiar with the Constitution of the United States, and with the limitations upon the powers of the Chief Magistrate of the government it has established, not to appreciate at once the soundness of this legal proposition.

The question of re-enforcing Fort Sumter is so fully disposed of in my letter to Senator Slidell and others, under date of the 22d of January, a copy of which accompanies this, that its discussion will not now be renewed. I then said: "At the present moment it is not deemed necessary to re-enforce Major Anderson, because he makes no such request. Should his safety, however, require re-enforcements, every effort will be made to supply them." I can add nothing to the explicitness of this language, which still applies to the existing status. The right to send forward re-enforcements when, in the judgment of the President, the safety of the garrison requires them, rests on the same unquestionable foundation as the right to occupy the fortress itself.

In the letter of Senator Davis and others to yourself, under date of the 15th ultimo, they say: "We therefore think it especially due from South Carolina to our States—to say nothing of other slaveholding States—that she should, as far as she can consistently with her honor, avoid initiating hostilities between her and the United States or any other power;" and you now yourself give to the President the gratifying assurance that "South Carolina has every disposition to preserve the public peace; and since he is himself sincerely animated by the same desire, it would seem that this common and patriotic object must be of certain attainment. It is difficult, however, to reconcile with this assurance the declaration on your part that "it is a consideration of her (South Carolina's) own dignity as a sovereign, and the safety of her people, which prompts her to demand that this property should not longer be used as a military post by a government she no longer

acknowledges," and the thought you so constantly present, that this occupation must lead to a collision of arms and the prevalence of civil war. Fort Sumter is in itself a military post, and nothing else; and it would seem that not so much the fact as the purpose of its use should give to it a hostile or friendly character. This fortress is now held by the government of the United States for the same objects for which it has been held from the completion of its construction. These are national and defensive; and were a public enemy now to attempt the capture of Charleston or the destruction of the commerce of its harbor, the whole force of the batteries of this fortress would be at once exerted for their protection. How the presence of a small garrison, actuated by such a spirit as this, can compromise the dignity or honor of South Carolina, or become a source of irritation to her people, the President is at a loss to understand. The attitude of that garrison, as has been often declared, is neither menacing, nor defiant, nor unfriendly. It is acting under orders to stand strictly on the defensive; and the government and people of South Carolina must well know that they can never receive aught but shelter from its guns, unless, in the absence of all provocation, they should assault it and seek its destruction. The intent with which this fortress is held by the President is truthfully stated by Senator Davis and others in their letter to yourself of the 15th January, in which they say: "It is not held with any hostile or unfriendly purpose towards your State, but merely as property of the United States, which the President deems it his duty to protect and preserve."

If the announcement, so repeatedly made, of the President's pacific purposes in continuing the occupation of Fort Sumter until the question shall have been settled by competent authority, has failed to impress the government of South Carolina, the forbearing conduct of his administration for the last few months should be received as conclusive evidence of his sincerity. And if this forbearance, in view of the circumstances which have so severely tried it, be not accepted as a satisfactory pledge of the peaceful policy of this administration towards South Carolina, then it may be safely affirmed that neither language nor conduct can possibly furnish one. If, with all the multiplied proofs which exist of the President's anxiety for peace, and of the earnestness with which he has pursued it, the authorities of that State shall assault Fort Sumter, and peril the lives of the handful of brave and loyal men shut up within its walls, and thus plunge our common country into the horrors of civil war, then upon them and those they represent must rest the responsibility.

Very respectfully, your obedient servant,

J. HOLT,
Secretary of War.

Hon. I. W. HAYNE,
Attorney General of the State of South Carolina.

P. S.—The President has not, as you have been informed, received a copy of the letter to yourself from the senators, communicating that of Mr. Holt of the 22d of January.

Eleven petitions of Philadelphia in favor of the Constitution and Union as it is, and the enforcement of the laws.

Eight petitions of citizens of Philadelphia in favor of the Crittenden resolutions.

Memorial of citizens of Philadelphia, asking Congress to make a *pro rata* appropriation for the extinguishment of slavery in States asking for the same.

Petition of citizens of Jefferson county, Iowa, praying for the settlement of our difficulties on the basis of the republican platform.

The committee then proceeded to consider the mode of disposing of the remaining subjects before them.

After discussion, it was

Ordered, That the testimony and documents relating to the surrender of the Pensacola navy yard, and to the United States generally, be specially reported to the House, and that Mr. Dawes be instructed to prepare a report to accompany the same.

Mr. Reynolds was instructed to prepare a report upon the subject of the correspondence between the President of the United States and the South Carolina authorities.

The Chairman was instructed to prepare a general report.

Mr. Reynolds was instructed to report back for the consideration of the House the militia bill recommitted to this committee, as soon as the same can be considered by the House.

Mr. Cochrane was instructed in like manner to report the revenue bill recommitted to this committee.

Adjourned to 10½ a. m. on Monday next.

MONDAY, *February* 18, 1861.

The committee met pursuant to adjournment. Present, the Chairman, Messrs. Dawes and Reynolds.

Mr. DAWES submitted a report which he had prepared in pursuance of the directions of the committee; which was agreed to.

Adjourned to 10½ a. m. to-morrow.

TUESDAY, *February* 19, 1861.

The committee met pursuant to adjournment. All the members present.

The following papers were received from the House:

Petition of citizens of Michigan in favor of the Crittenden resolutions;

Petition of the president and members of the German republican committee of the city of Williamsburg, New York, in favor of the Constitution as it is, the Union, and enforcement of the laws;

Eight similar petitions from citizens of Pennsylvania;

Three similar petitions from citizens of Illinois;

One, also, from citizens of Michigan.

Mr. BRANCH submitted the following:

Resolved, That the resolution appended to the report prepared by Mr. Dawes, together with the testimony relating to the subject-matter of that report, be laid before the Secretary of the Navy, and that the

Secretary be informed that the committee will submit to the House any communication he may desire to make upon the subject.

After discussion, the question was taken upon the resolution, and it was not agreed to.

Adjourned to 10½ a. m. to-morrow.

WEDNESDAY, *February* 20, 1861.

The committee met pursuant to adjournment. Mr. Reynolds absent on account of indisposition.

Adjourned to 10½ a. m. to-morrow.

THURSDAY, *February* 21, 1861.

The committee met pursuant to adjournment. All the members present.

The following was received from the House:

Memorial of 312 citizens of Wheeling, Virginia, who voted for Lincoln and Hamlin, praying Congress to pass either the border State resolutions, the report of the committee of thirty-three, or the measures introduced by Hon. Mr. Kellogg, of Illinois.

Mr. REYNOLDS submitted a report, prepared by himself in obedience to the instruction of the committee; which was adopted.

Adjourned to 11 o'clock a. m. on Monday next.

MONDAY, *February* 25, 1861.

No session of the committee to-day.

THURSDAY, *February* 28, 1861.

The committee met pursuant to call of its chairman. All the members present.

The following papers were received from the House:

Petition of citizens of Marion county, Ohio, praying the passage of the Crittenden compromise or the border State propositions.

Petition of citizens of the first Iowa district in favor of the Crittenden proposition.

Petition of citizens of Grinnell, Iowa, praying for the support of the Constitution, the laws, and the honor of the country.

Petition of citizens of Jasper county, Iowa, against any change of the Constitution.

The Chairman submitted to the committee the general report he had drafted in pursuance of instructions of the committee.

The question was then taken upon the report, and it was agreed to—yeas 3, nays 2, as follows:

YEAS—Messrs. Dawes, Reynolds and the Chairman—3.

NAYS—Messrs. Branch and Cochrane—2.

On motion of Mr. COCHRANE, the proposition submitted by him to the committee on January 24, together with the substitute of Mr. Reynolds adopted on January 25, was indefinitely postponed.

Mr. DAWES was instructed to report back for the consideration of the House the resolution in relation to the Secretary of the Navy which was recommitted to this committee.

Mr. REYNOLDS was similarly instructed in relation to the resolution in reference to the President of the United States.

The Chairman was instructed to report to the House, with the general report adopted by the committee this morning, the various documents from the different departments not yet reported, together with the journal of the committee, and ask that the same be printed for the use of the House.

Also, that the House order five thousand copies of the several reports from this committee, with the accompanying papers, to be printed for the use of the House.

Adjourned *sine die*.

Communication from the Department of the Interior in reply to letter of Chairman asking information concerning arms, &c.

DEPARTMENT OF THE INTERIOR,
January 14, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing for report thereon copies of the two resolutions passed by the House of Representatives on the 9th instant, proposing certain inquiries concerning forts, arsenals, arms, ships, and public buildings of the United States.

Without recapitulating these several inquiries, I have the honor to say that this department is not in possession of information upon any of the topics of inquiry, with the following qualifications, viz: On Saturday, the 12th instant, a few muskets and revolvers, with a present supply of ammunition for the same, were obtained from the Washington arsenal under authority of an order issued to the commandant upon my application, by direction of the Secretary of War *ad interim*, to arm the watchmen for the protection of the building occupied by this department.

I am, sir, very respectfully, your obedient servant,

MOSES KELLY,
Acting Secretary.

Hon. WM. A. HOWARD,
Chairman of Committee of Investigation, House of Reps.

Communication and accompanying papers from the Treasury Department, in answer to call of committee of 12th instant.

TREASURY DEPARTMENT,
January 26, 1861.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, enclosing a copy of resolutions of the House of Representatives of the 9th instant; and, in reply to your request for information "pertinent to the subjects of inquiry" embraced in the said resolutions, so far as they can be answered by this

department, I beg leave herewith to enclose copies of letters and telegraphic despatches from certain officers of the United States revenue marine, marked A to F, inclusive, which contain all the information in the possession of this department respecting the United States revenue cutter on the Charleston station.

No steps have been taken by this department to recapture or recover possession of said vessel.

The revenue cutter J. C. Dobbin was seized at night in the Savannah river by a large number of persons, who went on board under friendly pretences, but she was released the ensuing day by order of the governor of the State of Georgia. At the time of her seizure she was under orders to proceed to Baltimore, where she arrived on the 19th instant.

This department has no official information in regard to the custom-house at Charleston, but it is understood that it is in the possession of the authorities of South Carolina, and that it is occupied by the late collector, who resigned, and is now in the service of that State. The new custom-house, which is unfinished, was in charge of Mr. Edward B. White, as superintendent and architect, who resigned and left the building, as is understood, in the care of his clerk. All the information the department has in regard to it is contained in the enclosed correspondence, marked from G to M, inclusive.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Secretary of the Treasury.

Hon. Wm. A. Howard,
Chairman of Special Committee of Five, &c., House of Reps.

A.

Revenue Cutter "Wm. Aiken,"
Charleston, S. C., December 26, 1860.

Sir: Will you communicate to the Secretary of the Treasury my resignation as captain in the revenue cutter service, to take effect from this date?

During the period I have served the government, which has been some thirty-five years, I have discharged my duty with all the fidelity and skill I possessed. I have nothing either to regret or reproach myself with.

The present aspect of political affairs admonishes me that I cannot continue longer in the service of the United States, as my primary allegiance is due to the State of South Carolina, the place of my birth.

The likelihood of the antagonistic position which my State will occupy towards the United States has determined my course, and I, without hesitation, have made my choice.

I am, very respectfully, your obedient servant,

N. L. COSTE.

Hon. Wm. F. Colcock,
Collector of Customs.

B.

REVENUE CUTTER "WILLIAM AIKEN,"
Charleston, S. C., December 27, 1860.

SIR: Being a citizen of South Carolina, I shall obey the ordinance passed in convention yesterday, a copy of which has been, I presume, transmitted to you by the collector of the port.

I have the honor to be, very respectfully, your obedient servant,

N. L. COSTE,
Revenue Cutter Service.

Hon. P. F. THOMAS,
Secretary of the Treasury, Washington, D. C.

C.

[Telegraphic despatch.—Received, Washington, December 29, 1860.]

ON BOARD LATE U. S. CUTTER "WILLIAM AIKEN,"
Charleston, December 29, 1860.

SIR: From the course events have taken, it becomes my duty to apply to you for instructions, and inform you of what has transpired.

The collector of the customs of this port has transferred this vessel, with all other property in his charge, to the State of South Carolina; and, by order of Captain N. L. Coste, I have hauled down the United States revenue colors and discharged all of her crew from the service of the United States. Captain Coste informs me that he has resigned his commission, but holds the command of this vessel for the State of South Carolina. Under these circumstances, I am, as you perceive, placed in a peculiar position. With the highest respect, I await your instructions.

Your obedient servant,

HENRY O. PORTER,
Lieutenant U. S. R. S.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury.

D.

[Telegraphic despatch.—Received, Washington, December 29, 1860.]

ON BOARD LATE U. S. REVENUE CUTTER "WILLIAM AIKEN,"
Charleston, December 29, 1860.

SIR: Being placed in the same position that Lieutenant Porter is, I most respectfully ask for your instructions.

Very respectfully, your obedient servant,

HORACE I. GAMBRILL,
Third Lieutenant U. S. R. S.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury.

E.

WASHINGTON, D. C., *January* 3, 1861.

On the 15th of December, or thereabout, Captain N. L. Coste informed (in a conversation) the officers of the United States cutter "William Aiken" that he had resigned his commission as a captain in the revenue service, and would, when the State seceded, resign the command to Lieutenant Underwood. Leaving Lieutenant Gambrill in charge, Lieutenant Underwood and myself paid an official visit to Major Anderson, asking him that, under those circumstances, if we should place the cutter "Aiken" under his guns, if he would give us the protection of the fort; his reply was, "He would give us all the protection in his power." After our return on board things went on as usual, with this exception, that, when it was necessary to discharge any of the crew for misconduct, Captain Coste refused to ship any more men; this continued until the 26th, and the crew were reduced to four active seamen and a boatswain.

On the 27th, in the afternoon, Captain Coste came on board and ordered me to call up the crew, and he would pay them what was due, which was accordingly done, and, after about a half hour's conversation, he called the men together, and told them that he released them from all service of the United States, and that henceforth he would be responsible for their wages from the State of South Carolina. At sunset I hauled down the United States colors and wrote a despatch to the honorable Secretary of the Treasury, and sent for Lieutenant Gambrill, as I was unwilling to leave any property of the government without an officer. I went on shore, and as time pressed determined to telegraph; and on starting for the vessel met Lieutenant Gambrill, who told me that the captain had come on board and hoisted the palmetto flag. I returned, and, as soon as possible, removed my things from the vessel—Lieutenant Gambrill had already done the same; and not receiving an answer from the department to my telegram, and waiting until it was time to receive an answer by mail, and not knowing what each hour might bring forth, I, in consultation with Lieutenant Gambrill, concluded to return to Washington and report in person.

Very respectfully, your obedient servant,

HENRY O. PORTER,
2d Lieutenant U. S. R. S.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury, Washington, D. C.

SIR: I substantiate the above report of Lieutenant Porter.

Very respectfully, your obedient servant,

HORACE I. GAMBRILL,
3d Lieutenant U. S. R. S.

F.

WASHINGTON, D. C., *January* 3, 1861.

SIR: I have the honor to inform you that I was the 1st lieutenant of the United States revenue cutter "William Aiken," stationed at Charleston, South Carolina, and the following are the circumstances under which said vessel was surrendered to the authorities of the State of South Carolina.

Captain N. L. Coste, her commander, informed me that in case the State should secede he would resign his commission, and place me in command; I therefore repaired to "Fort Moultrie" and conferred with Major Anderson on the subject, who very kindly assured me that in that event the vessel should be protected.

On the 27th of December last Captain Coste informed me that he had resigned his commission, but that he was accountable to the authorities of the State of South Carolina for the property on board the said cutter, and under said authorities he should still hold his command.

You will permit me, however, to remark, that on the day the State passed her ordinance of secession the cutter was aground along side of the wharf, and there remained until the spring tides made water sufficient to float her off.

Having obtained leave of absence on the 22d ultimo, I beg leave very respectfully to report for further orders.

I am, sir, with high respect, your obedient servant,

JOHN A. UNDERWOOD,
1st Lieutenant U. S. Revenue Service.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury, Washington, D. C.

G.

OFFICE NEW CHARLESTON CUSTOM-HOUSE,
Charleston, South Carolina, January 1, 1861.

SIR: I have the honor respectfully to tender you my resignation of superintendent and architect of the new Charleston custom-house.

I will be much obliged if you will return to me the bond which I was required to enter into with the United States, dated December 6, 1859; inform me to whom I shall turn over the property of the United States; and give this communication your early consideration.

I also respectfully request, if funds have not yet been forwarded to Charleston, that they may be sent at the time this letter is replied to, in order that the bills and accounts which are due may be paid. The amount needed for this month is about two thousand dollars, ($2,000.)

The assistant architect of the new custom-house, Mr. Le Bleux, has vacated his appointment.

I have the honor to be, with respect, your very obedient servant,

EDWARD B. WHITE,
Superintendent and Architect, Charleston Custom-House.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury, Washington, D. C.

II.

OFFICE NEW CUSTOM-HOUSE,
Charleston, South Carolina, January 2, 1861.

SIR: For the operations during the month of January, 1861, I beg leave to suggest, that in the present disturbed and excited condition of affairs, I do not consider it practicable advantageously to continue the construction of the building, and therefore respectfully submit the following schedule for the present month: That the most economical and prompt means for the protection of the building be employed, by covering it with board roofs and closing up the doors, windows, &c., securely with boards. Box up all marble, and remove that which can be easily transported into the building and sheds. Secure and protect the machinery and materials from damage. Repair the fences, and take all other such measures as may be necessary for securing the papers, drawings, and all other property to the best advantage; to effect which, the force and funds named in the accompanying estimate will be required.

I would respectfully recommend that such number of hands and officers be retained for the purpose of protecting the property from damage and accident, weather, and idlers, as the department may deem sufficient, after the foregoing has been completed.

I have the honor to be your obedient servant,

EDWARD B. WHITE,
Superintendent and Architect.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury, Washington City.

I.

OFFICE NEW CUSTOM-HOUSE,
Charleston, South Carolina, January 2, 1861.

SIR: I have the honor to submit to the department the report of operations, and the cash statement, as far as the funds on hand would allow, for the month of December, 1860.

I would respectfully call the attention of the department to the probable operations for the present month in the above-named report, and request to be instructed in the premises.

I have the honor to be your obedient servant,

EDWARD B. WHITE,
Superintendent and Architect.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury, Washington City.

K.

Report of operations at the new custom-house, Charleston, South Carolina, for the month of December, 1860.

SUPERINTENDENT'S OFFICE, NEW CUSTOM-HOUSE,
Charleston, South Carolina, January 2, 1861.

SIR: The aggregate force employed on the work during the month of December has been 31 *hands*, exclusive of the officers, distributed as follows, viz: two stonemasons, four brickmasons, three carpenters, three blacksmiths, and eighteen laborers.

Brick-work.—Four brickmasons, equal to 84 days, have laid in rotundo arch.....	2,000
Cut and rubbed 4,000 bricks for arches, and laid in walls of third story.....	6,000
Total number of bricks laid.....	8,000

Stone-work.—Two stonemasons, equal to 44 days, have been cutting granite covers for man-holes in basement, cutting capitals for mantels, and attending marble saws.

Smiths' work.—Three blacksmiths, equal to 66 days, have been making and repairing tools; used up 515 pounds of iron for tension bar of rotundo, and run steam-engine to saw marble.

Carpentry.—Three carpenters, equal to 65 days, have been making and putting up centres and scaffolds, repairing fences, and doing other jobs about the premises.

Labor.—Twenty-eight laborers, equal to 413 days, have been attending the masons, smiths, and carpenters, painting iron-work in basement stowed away iron-work received, and excavated for foundation of western steps.

The thermometer has ranged maximum from — to — in the shade and open air at 2 p. m.

The probable operations for the month of January will cover the building with temporary board roofs, close up the openings of doors and windows, box up the marble, stow away the marble now lying on the premises, protect the machines, and take such measures as may be necessary to secure the papers, books, drawings, &c.

Cash statement.

On hand December 1, 1860.....	$171 90
Disbursed as per vouchers in hands of the disbursing agent...	91 98
Balance due the United States by former disbursing agent January 1, 1861, in treasurer's hands.....	79 92

All of which is respectfully submitted by your obedient servant,

EDWARD B. WHITE,
Superintendent and Architect.

HON. PHILIP F. THOMAS,
Secretary of the Treasury, Washington City, D. C.

L.

OFFICE NEW CUSTOM-HOUSE,
Charleston, South Carolina, January 8, 1861.

SIR: I have the honor herewith to enclose copy of a letter written on the 1st instant; and in addition thereto I will state that I consider the first overseer as competent in all regards to take charge of the building, if the department desires to place it under the care of a responsible person. Mr. Paul Jones is the first overseer. On the 2d instant I sent to the department the report of operations for December, the estimate for January, and one copy of the unpaid contingent and pay rolls for December.

I have the honor to be your obedient servant,

EDWARD B. WHITE,
Superintendent and Architect.

Hon. PHILIP F. THOMAS,
Secretary of the Treasury, Washington City, D. C.

M.

OFFICE NEW CUSTOM-HOTSE,
Charleston, South Carolina, January 10, 1861.

SIR: I have the honor to submit to the department the general quarterly return for the quarter ending December 31, 1860.

I have the honor to be your obedient servant,

EDWARD B. WHITE,
Superintendent and Architect.

Ho . HILIP F. THOMAS,
Secretary of the Treasury, Washington City, D. C.

Communication and papers from the War Department, in response to call of committee of 12*th January.*

WAR DEPARTMENT, *January* 29, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing two resolutions of the House of Representatives directing your committee to inquire, among other things, into certain facts connected with the seizure of the forts, arsenals, and other property of the United States, and the removal of arms from the arsenals and armories.

The information called for in the resolution offered by Mr. Leake, respecting the recent removal of arms from the arsenals and armories, is communicated in the accompanying report of the chief of ordnance, marked A.

In reply to the resolution offered by Mr. Howard, I have the honor to state as follows, numbering my answers to correspond with the numbers of the paragraphs in the resolution:

1. The enclosed report of the chief of ordnance, marked B, with its accompaniments, and the copies of despatches from Major Haskin, recently commanding at Baron Rouge barracks, and from Captain Elzey, recently in command of the Augusta arsenal, also enclosed, contain the only information in possession of this department relating to any demand for the surrender of any of the forts or arsenals, or any communication having reference to such surrender.

2. There is no information on the records of this department to show whether any officer of this government "has at any time entered into any pledge, agreement, or understanding, with any person or persons, not to send re-enforcements to the forts of the United States in the harbor of Charleston."

3. The information desired by your committee as to "what demand for re-enforcements of the said forts has been made, and for what reason such re-enforcements have not been furnished," cannot, consistently with the public interests, be communicated at this time.

4. The fourth paragraph relates exclusively to matters under the direction of the Navy Department.

5. All the particulars touching the seizure of the arsenal in the city of Charleston are contained in the report of the chief of ordnance above referred to, marked B.

6. The sixth paragraph relates exclusively to matters under the control of the Treasury Department.

Very respectfully, your obedient servant,

J. HOLT,
Secretary of War.

Hon. WILLIAM A. HOWARD,
Chairman Select Committee, House of Representatives.

A.

ORDNANCE OFFICE,
Washington, January 18, 1860.

SIR: In answer to a resolution of the House of Representatives of the 9th instant, as to "whether any of the arms of the United States at any of the arsenals or armories have recently been removed, or ordered to be removed, and if so, by whose order and for what reasons," I have to state that there have been no removals of arms since the one hundred and fifteen thousand (115,000) muskets and rifles which were ordered in January, 1860, from the armory at Springfield, Massachusetts, and the arsenals at Watertown, Massachusetts, and Watervliet, New York, to be deposited in the arsenals in North and South Carolina, Georgia, Alabama, and Louisiana, other than to meet the regular requisitions of the army, the requisitions of the States for

their yearly quotas, and such as have been sold, except the pieces of heavy ordnance ordered on the 22d ultimo from the Allegheny arsenal, near Pittsburg, Pennsylvania, viz: 21 10-inch and 21 8-inch columbiads, and 4 32-pounder guns ordered to Ship island, Mississippi, for a fort in course of construction there, and 23 10-inch and 48 8-inch columbiads, and 7 32-pounder guns, to Galveston harbor, Texas, for a fort to be constructed there, but the removal of which columbiads and guns was stopped by your order.

The removal of the muskets and rifles, and the intended removal of the columbiads and guns, as well as the sale of the arms, was in obedience to orders from the Hon. John B. Floyd, late Secretary of War.

I am, sir, very respectfully, your obedient servant,

H. K. CRAIG,
Colonel of Ordnance.

Hon. J. HOLT, *Secretary of War.*

Captain Elzey to Colonel Cooper.

AUGUSTA ARSENAL,
Georgia, January 24, 1861.

SIR: I have the honor to report that the arsenal was surrendered this morning to the governor of Georgia upon honorable terms, herewith enclosed.

I am, sir, very respectfully, your obedient servant,

ARNOLD ELZEY,
Captain 2d Artillery.

Colonel S. COOPER,
Adjutant General United States Army, Washington, D. C.

AUGUSTA ARSENAL,
Georgia, January 24, 1861.

His excellency the governor of Georgia having demanded the United States arsenal at Augusta, commanded by Captain Arnold Elzey, 2d artillery United States army, the following terms are agreed upon, to wit:

1st. The flag to be saluted and lowered by the United States troops.

2d. The company to be marched out with military honors, and to retain its arms and company property.

3d. The officers and soldiers to occupy quarters until removed beyond the limits of the State, and to have the use of the post transportation to and from the city and in the neighborhood, and the privilege of obtaining supplies from the city.

4th. The public property to be receipted for by the State authorities, and accounted for upon adjustment between the State of Georgia and the United States of America.

5th. The troops to have unobstructed passage through and out of the State by water to New York, *via* Savannah.

JOSEPH E. BROWN,
Governor and Commander-in-chief of the Army of the State of Georgia.
ARNOLD ELZEY,
Captain 2d Artillery, Commanding Augusta Arsenal.

Major Haskin to Colonel Cooper.

BATON ROUGE BARRACKS,
Louisiana, January 11, 1861.

COLONEL: It is my painful duty to announce to you the surrender of the arsenal and barracks at this place to the governor of this State.

The governor collected a large force in the city here yesterday, and at about 5 p. m. sent me, by his aides-de-camp, Colonels Bragg and Taylor, a summons, a copy of which I herewith enclose. Having no assurance of re-enforcements or support, I deemed it proper (after consulting with the officers here) to yield to the demand. I also enclose a copy of the paper signed this morning.

I am, colonel, very respectfully, your obedient servant,

J. A. HASKIN,
Brevet Major and Captain 1st Artillery.

Colonel S. COOPER,
Adjutant General United States Army, Washington, D. C.

P. S.—I telegraphed to you yesterday for orders, and shall take the first boat I can for Cairo without I receive contrary orders.

J. A. HASKIN,
Brevet Major and Captain 1st Artillery.

EXECUTIVE OFFICE,
Baton Rouge, Louisiana, January 10, 1861.

SIR: The safety of the State of Louisiana demands that I take possession of all government property within her limits.

You are therefore summoned hereby to deliver up the barracks, arsenal, and public property now under your command.

With the large force at my disposal this demand will be enforced. Any attempt at defence on your part will be a rash sacrifice of life.

The highest consideration will be extended to yourself and command.

THOMAS O. MOORE,
Governor and Commander-in-chief of Militia of Louisiana.

The COMMANDING OFFICER,
Baton Rouge Barracks, Baton Rouge, Louisiana.

Articles of agreement between Thomas O. Moore, governor of the State of Louisiana, and Brevet Major Joseph A. Haskin, United States army, commanding the barracks at Baton Rouge, Louisiana.

I. Upon the demand of Governor Moore, supported by six hundred men, Major Haskin, from necessity, surrenders the barracks and arsenal, and all public property therein, to the State of Louisiana, receipts to be given by Governor Moore for the same.

II. The officers and enlisted men of the United States are to leave by river transport for some point above and beyond the State of Louisiana, taking their personal effects, infantry armament, camp and garrison equipage, and twenty days' rations, and to move within thirty-six hours. One or more officers may remain on parole for the settlement of property accounts.

III. The enlisted men of ordnance will vacate the arsenal immediately, which will be occupied by the State troops.

Signed in duplicate at Baton Rouge this the 11th day of January, A. D. 1861.

THOMAS O. MOORE,
Governor of the State of Louisiana.
J. A. HASKIN,
Brevet Major and Captain 1st Artillery.

B.

ORDNANCE OFFICE,
Washington, January 18, 1861.

SIR: In compliance with the resolution of the House of Representatives of the 9th instant, communicated in the letter of the Hon. W. A. Howard, I have the honor to transmit herewith copies of the correspondence with this office, so far as it relates to the demand for and the surrender of arsenals and the military stores therein deposited, viz:

1. *Charleston arsenal.*

I. Letter from Military Storekeeper Humphreys, dated December 31, 1860, enclosing order of Governor Pickens to Colonel Cunningham; letter of Colonel Cunningham to Humphreys, and reply of Humphreys to Colonel Cunningham.

II. F. C. Humphreys to Ordnance office, January 2, 1861.

III. Ordnance office to F C. Humphreys, January 2, 1861.

IV. F. C. Humphreys to Ordnance office, January 3, 1861.

V. Ordnance office to F. C. Humphreys, January 8, 1861.

2. *Mount Vernon arsenal.*

I. Captain J. L. Reno, January 4, 1861, reporting seizure of Mount Vernon arsenal by troops acting under orders from governor of Alabama.

3. *Apalachicola arsenal.*

I. Ordnance Sergeant E. Powell, Quincy, Florida, January 5, 1861, reporting seizure of Apalachicola arsenal by troops acting under orders of governor of Florida.

II. Ordnance Sergeant E. Powell, Chattahoochee, Florida, January 6, 1861, transmitting copy of order from governor of Florida directing Colonel Duryea to seize Apalachicola arsenal. .

4. *Baton Rouge arsenal.*

I. Lieutenant J. W. Todd, Baton Rouge, Louisiana, January 10, 1861, telegram, reporting surrender of Baton Rouge arsenal to governor of Louisiana.

5. *Fort Marion and Ordnance depot, St. Augustine, Florida.*

I. Ordnance Sergeant Henry Douglas, St. Augustine, Florida, January 7, 1861, reporting seizure of Fort Marion, magazines, and ordnance stores deposited therein, by troops acting under orders of governor of Florida.

Which correspondence is all to be found on the files and records of this office having any relation to the subjects embraced in said resolution, which is herewith returned.

Very respectfully, your obedient servant,

H. K. CRAIG,
Colonel of Ordnance.

Hon. J. HOLT,
Secretary of War.

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1. CHARLESTON ARSENAL.

I. *F. C. Humphreys to Ordnance office, with three enclosures.*

CHARLESTON ARSENAL, *S. C., December* 31, 1860.

SIR: I have the honor to submit the correspondence relative to the surrender of this post, yesterday, to the authorities of this State, trusting that my course may meet the approval of the department.

I am, sir, very respectfully,

F. C. HUMPHREYS,
Military Storekeeper, Ordnance, U. S. A.

Captain WM. MAYNADIER,
In charge of Ordnance Bureau, Washington, D. C.

[Indorsement on the above]

ORDNANCE OFFICE, *January* 3, 1861.

Respectfully submitted to the Secretary of War.

WM. MAYNADIER,
Captain of Ordnance.

CHARLESTON, *December* 30, 1860—10½ *o'clock a. m.*

SIR: I herewith demand an immediate surrender of the United States arsenal at this place, and under your charge, and a delivery to me of the keys and contents of the arsenals, magazines, &c. I am already proceeding to occupy it with a strong armed detachment of troops. I make the demand in the name of the State of South Carolina, and by virtue of an order from its governor, a copy of which is enclosed.

Very respectfully,

JOHN CUNNINGHAM,
Colonel 17th regiment of Infantry, S. C. M.

Captain F. C. HUMPHREYS,
Military Storekeeper, Ordnance.

HEADQUARTERS, *Charleston, S. C., December* 29, 1860.

SIR: In the morning, after reporting yourself to Major General Schnierb, and informing him of this order, you are directed to get from him a detachment of select men, and in the most discreet and forbearing manner, you will proceed to the United States arsenal in Charleston, and there demand, in my name, its entire possession; and state distinctly that you do this with a view to prevent any destruction of public property that may occur in the present excited state of the public mind, and also as due to the public safety. You will then proceed to take, in the most systematic manner, a correct inventory of everything in said arsenal, and the exact state of all arms, &c.

You will read this order to Captain Humphreys, who is the United States officer at the arsenal. I do not apprehend any difficulty in giving up the same, but if refused, then you are to take it, using no more force than may be absolutely necessary, and with the greatest discretion and liberality to Captain Humphreys, who is at perfect liberty to remain in his present quarters as long as it may be agreeable for himself, and he is requested to do so.

Report as soon possible to me.

F. W. PICKENS.

Colonel JOHN CUNNINGHAM.

CHARLESTON ARSENAL, *S. C., December* 30, 1860.

SIR: I am constrained to comply with your demand for the surrender of this arsenal, from the fact that I have no force for its defence. I do so, however, solemnly protesting against the illegality of this measure in the name of my government.

I also demand as a right that I be allowed to salute my flag, before lowering it, with one gun for each State now in the Union, (32,) and

that my command be allowed to occupy the quarters assigned them, until instructions can be obtained from the War Department.

Very respectfully,

F. C. HUMPHREYS,
Military Storekeeper, Ordnance, U. S. A.

Colonel JOHN CUNNINGHAM,
17th regiment of Infantry, S. C. M.

II. *F. C. Humphreys to Ordnance office.*

[Telegram.]

CHARLESTON, *January* 2, 1861.

I have reported by mail. The property has been receipted for on the last annual inventory, and is being constantly removed. Our movements are restricted at night, not being allowed to leave the post. Men very much dissatisfied.

F. C. HUMPHREYS.

Captain MAYNADIER.

III. *Ordnance office to F. C. Humphreys.*

[Telegram.]

ORDNANCE OFFICE, *January* 2, 1861.

I want a report, in detail, of what has occurred; of the present position and condition of your command and property, as regards quarters and other accommodations, freedom of movement, and any statements or views in the matter that you may deem proper for a full understanding.

WM. MAYNADIER,
Captain of Ordnance.

F. C. HUMPHREYS, Esq.,
United States Arsenal, Charleston, S. C.

IV. *F. C. Humphreys to Ordnance office.*

CHARLESTON ARSENAL, S. C., *January* 3, 1861.

SIR: I received your despatch last night, and sent a reply by telegraph. I will now proceed to make a detailed report of the facts relative to the surrender of this arsenal, which I should have done before, but that my time has been *fully* occupied in getting proper vouchers for the property recently in my charge.

On Sunday morning last Colonel Cunningham marched a strong detachment of armed men into this arsenal, (having several days before entirely surrounded it outside of the enclosure,) and demanded the surrender in the name of South Carolina, and by order of Governor Pickens. Having no force to make a defence, I surrendered under protest, and demanded the privilege of saluting my flag before lowering it, and of taking it with me, and that the command should occupy the quarters until instructions could be received from the War Department, which was granted. Soon after the arsenal and magazine were both opened, and the property has been constantly issued since—arms, ammunition, accoutrements, &c.

Myself and men and our families are very unpleasantly situated. There are some two hundred men here constantly, and we are in actual danger from accidents when so many inexperienced persons are at every turn with loaded arms. Our movements are watched and restricted, and I would earnestly request that we may be moved elsewhere.

The times are so unsettled that I have not issued to my command this month either subsistence or fuel; in fact, we have no conveniences for anything, and all in confusion and turmoil.

I understand that all communication with Fort Sumter is cut off, and that a barge with its men from that post has been captured at the city wharf, and are held in durance.

Very respectfully, I am, sir, your most obedient servant,

F. C. HUMPHREYS,
Military Storekeeper, Ordnance, U. S. A.

Captain WILLIAM MAYNADIER,
In charge of Ordnance Bureau, Washington, D. C.

V. *Ordnance office to F. C. Humphreys.*

[Telegram.]

ORDNANCE OFFICE,
Washington, January 8, 1861.

Transfer your men to Augusta arsenal.

H. K. CRAIG, *Colonel of Ordnance.*

F. C. HUMPHREYS, Esq.,
Military Storekeeper, Charleston Arsenal.

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2. MOUNT VERNON ARSENAL.

Captain J. L. Reno to Ordnance office.

MOUNT VERNON ARSENAL,
January 4, 1861.

SIR: I have the honor to inform you that this arsenal was taken possession of by four companies of volunteers from Mobile at daylight this morning. I did not make, nor could I have made, any resistance,

as they had scaled the walls and taken possession before I knew anything about the movement. The governor has demanded all the public property, and his men now have entire possession of the arsenal. I telegraphed to you to-day for orders as to what disposition is to be made of the enlisted men and of myself. If, unfortunately, my telegram should not be answered, I will wait here a few days, in hopes of hearing from you; but in the event the mails should be stopped, I will discharge all those that desire it, and bring the others with me to Washington. The men have not been paid, and I fear that now there is no prospect of it at present.

I shall probably leave here by the 11th instant, unless I should receive other orders. As it was impossible for me to hold this place with my seventeen men, I trust that the department will not hold me responsible for this unexpected catastrophe.

Very respectfully, your obedient servant,

J. L. RENO, *Captain of Ordnance.*

Captain WILLIAM MAYNADIER,
Ordnance Office.

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3. APALACHICOLA ARSENAL.

I. *Sergeant E. Powell to Ordnance office.*

QUINCY, *Florida, January* 5, 1861.

SIR: I beg leave to state that I telegraphed this morning from Chattahoochee, and finding that I could get no answer, I came to this place, and thought probably I might get an answer from you by writing from here. I informed you that the Florida troops had taken possession of the arsenal, and my force being so weak, I was unable to offer any resistance. I mailed a copy of the governor's order, &c., this morning at Chattahoochee, but feared that it would not be forwarded, on account of the excitement. They have taken all the public property, in spite of all I could do. I refused giving up the keys, but the governor telegraphed to the commanding officer to insist on the delivery of the same, and I was compelled to give them up. I would be pleased to receive advice as to what disposition I shall make of myself and men.

I am, respectfully, &c.,

E. POWELL,
Ordnance Sergeant U. S. Army.

Captain WILLIAM MAYNADIER,
Washington, D. C.

II. *Sergeant E. Powell to Ordnance office.*

UNITED STATES ARSENAL,
Chattahoochee, Florida, January 6, 1861.

SIR: I have the honor to enclose a copy of the order given to Colonel Duryea, the commander of the troops which took possession of this arsenal. I telegraphed to you this morning.

I am, sir, very respectfully, your obedient servant,

E. POWELL,
Ordnance Sergeant U. S. A.

Captain W. MAYNADIER,
Chief of Ordnance, Washington, D. C.

STATE OF FLORIDA,
Executive Chamber, Tallahassee, January 5, 1861.

SIR: Reposing special confidence in your patriotism, discretion, and integrity, I hereby authorize and empower you to raise a company of picked men and proceed to the Apalachicola river, and seize and possess the arsenal, arms, ammunition, stores, buildings, and other property now in possession of the general government, and retain the same subject to my orders. You are requested to act with secrecy and discretion. You are further authorized to call out the seventh regiment Florida militia for all aid in its power to render that you may deem necessary to retain occupation of said arsenal.

M. S. PERRY.

By the governor of the State of Florida:

T. L. VILLEPEGUE,
Secretary of State.

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4. BATON ROUGE ARSENAL.

Lieutenant J. W. Todd to Ordnance office.

[Telegram.]

BATON ROUGE, *January* 10, 1861.

The arsenal was surrendered this evening to the governor of Louisiana. Please give me instructions where to proceed with the detachment under my command.

J. W. TODD.
Lieutenant of Ordnance.

Col. H. K. CRAIG,
Chief of Ordnance department, U. S. A.

5. FORT MARION AND DEPOT.

Sergeant Henry Douglas to Ordnance office.

ST. AUGUSTINE, *East Florida, January* 7, 1861.

SIR: I am obliged to perform what is to me a painful duty—to report to the chief of ordnance that all the military stores at this place were seized this morning by the order of the governor of the State of Florida. A company of volunteer soldiers marched to the barracks and took possession of me, and demanded peaceable possession of the keys of the fort and magazine. I demanded them to show me their authority; an aide-de-camp of the governor showed me his letter of instructions authorizing him to seize the property, and directing him to use what force might be necessary.

Upon reflection, I decided that the only alternative for me was to deliver the keys under protest, and demand a receipt for the property. One thing certain, with the exception of the guns composing the armament of the water battery, the property seized is of no great value. The gentleman acting under the governor's instructions has promised to receipt to me for the stores.

I am, sir, very respectfully, your obedient servant,

HENRY DOUGLAS,
Ordnance Sergeant U. S. A.

Col. H. K. CRAIG,
Chief of Ordnance department U. S. A.,
Washington City, D. C.